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LAWS

PASSED AT

THE FIFTEENTH SESSION

OF

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

**BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, THE SECOND DAY OF JAN-
UARY, A. D. 1917, AND CONCLUDING
MARCH SECOND, 1917**

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By THOMAS HALL

**Secretary of State
of the State of North Dakota**

AUTHENTICATION

STATE OF NORTH DAKOTA,

Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Fifteenth Session of the Legislative Assembly of the State of North Dakota, beginning January 2nd, 1917, and terminating March 2nd, 1917, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this eleventh day of May, 1917.

THOMAS HALL,

Secretary of State.

[SEAL]

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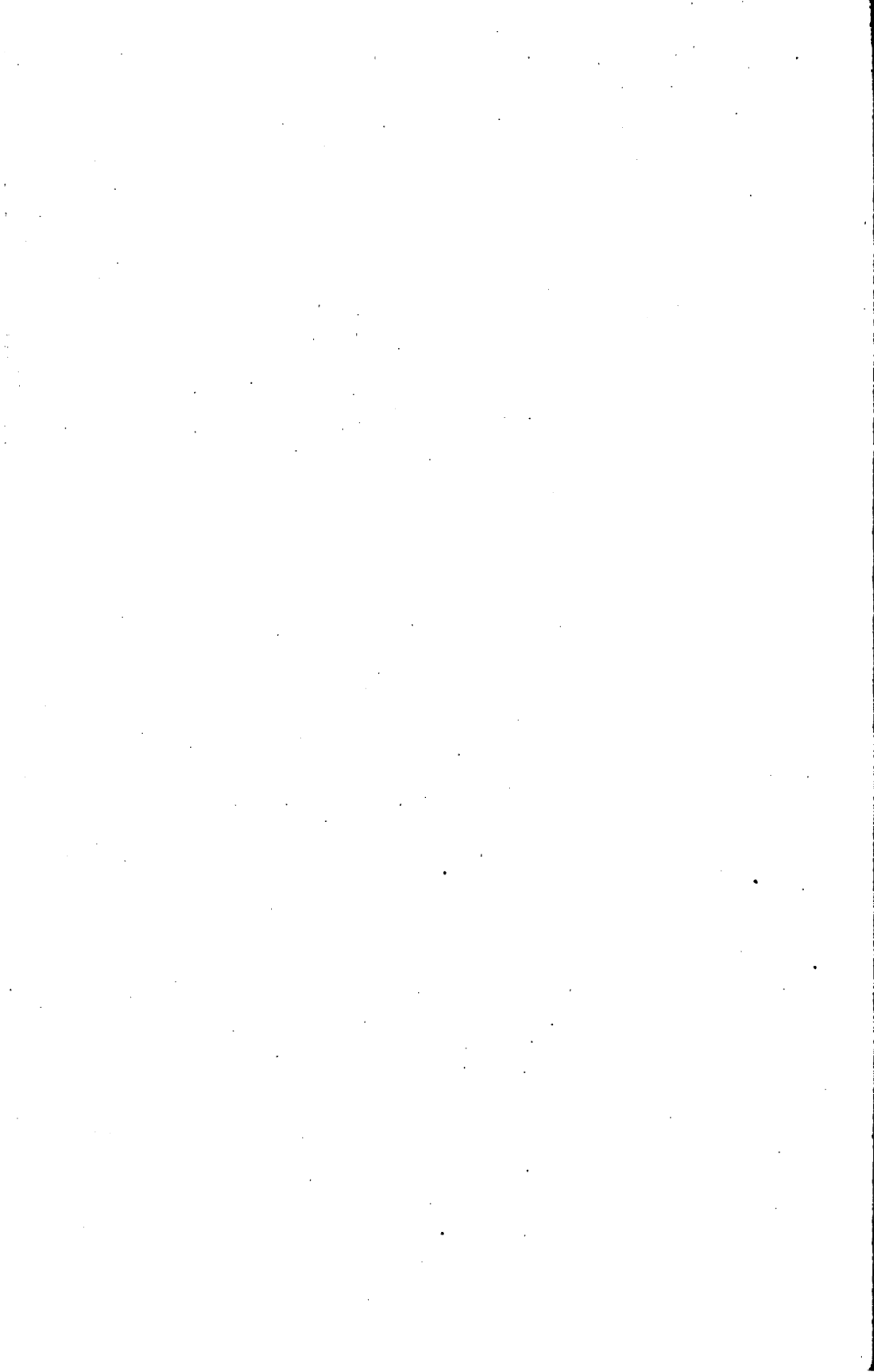
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THE LAWS

AGRICULTURE

CHAPTER 1.

[S. B. No. 19—Mostad.]

CO-OPERATIVE AGRICULTURAL WORK.

An Act to Amend and Re-enact Section 2263 of Article 26 of the Compiled Laws of North Dakota for the year 1913, Relating to Taxation for the Promotion of Diversified Farming, Manner of Discontinuing Same and Providing for the Disposition of Accumulated Funds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 2263, Article 26 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 2263. COUNTY COMMISSIONERS LEVY TAX ON PETITION; MANNER OF DISCONTINUING SAME; DISPOSITION OF ACCUMULATED FUNDS.] The Board of County Commissioners for any county in this state may in its discretion or upon petition of twenty-five per cent of the tax payers of said county, shall, annually make an appropriation and levy a tax upon all the taxable property of the county for the purpose of promoting diversified farming and agricultural development through the employment, in co-operation with the Agricultural Extension Department of the Agricultural College and United States Department of Agriculture, of a person or persons to carry on Agricultural Extension work within said county. The amount of tax levied shall not exceed one-half mill upon the dollar of assessed valuation; provided that upon the petition of not less than ten per cent of the electors of any county which has made an appropriation and levied a tax in accordance with Section 2263, the Board of County Commissioners shall at the next general election submit to the people of that county the question as to whether or not the said work and tax levy set forth in Section 2263 shall be continued in the following manner:

For support of co-operative Agricultural Extension Work..... ☐

Against support of Co-operative Agricultural Extension Work..... ☐

If a majority of the votes upon the said proposition shall be cast against such co-operative agricultural extension work then such tax shall be discontinued by the Board of County Commissioners in the county on January 1st following said election; provided further, that any funds raised under the provisions of Section 2263 of the Compiled Laws of North Dakota for 1913 remaining unexpended in the treasury of any county in this state at the time of taking effect of this act may be by the Board of County Commissioners of such county, covered into and added to whatever fund the Board may deem most expedient.

Approved, March 9, 1917.

APPORTIONMENT

CHAPTER 2.

[S. B. No. 192—Committee on Apportionment.]

LEGISLATIVE APPORTIONMENT.

An Act to Amend and Re-enact Section 44 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 4 of the Session Laws of North Dakota for the year 1915, Relating to Legislative Apportionment.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

1. AMENDMENT.] That Section 44 of the Compiled Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as to read as follows:

§ 44. STATE LEGISLATIVE APPORTIONMENT.] The senatorial and representative districts of the state shall be formed, and the senators and representatives be apportioned as follows:

(1) The first legislative district shall consist of the county of Pembina, and be entitled to one senator and three representatives.

(2) The second district shall consist of the city of Kenmare and that portion of Ward County situated and being in township 154, 155 and 156 of ranges 85, 86 and 87; township 157 of ranges 84, 85, 86 and 87; township 158 of range 87; township 159 and 160 of ranges 87, 88 and 89; and township 161 of range 88, and shall be entitled to one senator and one representative.

(3) The third district shall consist of the townships of Perth, Latone, Adams, Silvesta, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Opps, Prairie Center, Fertile, city of Park River, village of Edinburg, village of Conway, village of Hoople, village of Pisek, village of Adams, Fairdale, Glenwood, Kinlose, Shepard, Sauter and Dewey, in the County of Walsh, and be entitled to one senator and two representatives.

(4) The fourth district shall consist of the townships of Forest River, village of Forest River, Walsh Centre, Grafton, City of Grafton, Farmington, Ardock, village of Ardock, Harriston, Oakwood, Martin, Walshville, Pulaski, Acton, city of Minto, and St. Address, in the county of Walsh, and be entitled to one senator and one representative.

(5) The fifth district shall consist of the townships of Gilby, Johnstown, Strabane, Wheatfield, Hegton, Arvilla, Avon, Northwood, city of Northwood, Lind, Grace, Larimore, city of Larimore, Elm, Grove, Agnes, Inkster, city of Inkster, Elkmount, Plymouth, Niagara, Moraine, Lagan Centre, and Loretta, in the county of Grand Forks, and be entitled to one senator and one representative.

(6) The sixth district shall consist of the third, fourth, fifth and sixth wards of the city of Grand Forks, as now constituted, and the townships of Faulkner, Harvey, Turtle River, Ferry, Rye, Blooming, Mekinock, Lakeville and Levant, in the county of Grand Forks, and be entitled to one senator and one representative.

(7) The seventh district shall consist of the first, second and seventh wards of the city of Grand Forks as now constituted and the townships of Grand Forks, Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union, Washington, and the first and second wards of the city of Reynolds in the county of Grand Forks, and be entitled to one senator and one representative.

(8) The eighth district shall consist of the county of Traill, and be entitled to one senator and three representatives.

(9) The ninth district shall consist of the township of Fargo, and the City of Fargo, in the county of Cass, and the fractional township number one hundred thirty-nine, range forty-eight, and be entitled to one senator and three representatives.

(10) The tenth district shall consist of the townships of Noble, Wiser, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon, Gardner, Berlin, Raymond, Mapleton, village of Mapleton, Warren, Normania, Bell, Harmony, Durbin, Addison, Davenport, village of Davenport, Casselton, and the city of Casselton, in the county of Cass, and be entitled to one senator and two representatives.

(11) The eleventh district shall consist of the townships of Gunkle, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walburg, Watson, Page, the village of Page, Rich, Ayr, Buffalo, the village of Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton, and Pontiac, in the County of Cass, and be entitled to one senator and two representatives.

(12) The twelfth district shall consist of the townships of Eagle, Abercrombie, village of Abercrombie, Dwight, Isben, Centre, Mooreton, Brandenburg, village of Great Bend, Summit, Fairmount, village of Fairmount, Devillo, Lamars, Waldo, Greendale, and the city of Wahpeton, in the county of Richland, and be entitled to one senator and two representatives.

(13) The thirteenth district shall consist of the county of Sargent, and be entitled to one senator and two representatives.

(14) The fourteenth district shall consist of the county of Ransom, and be entitled to one senator and two representatives.

(15) The fifteenth district shall consist of the townships of Baldwin, Dazey, Laketown, Pierce, Uxbridge, Edna, Rogers, Grand Prairie, Minnie Lake, Anderson, Hobert, Potter, village of Dazey, village of Wimbledon, village of Sanborn, city of Valley City, township 143, range 56; township one hundred forty-three, range fifty-eight; township one hundred forty-two, range fifty-eight; township one hundred forty-one, range fifty-eight; township one hundred forty-one, range fifty-nine; township one hundred forty-one, range sixty-one; and township one hundred forty, range fifty-eight, in the county of Barnes, and shall be entitled to one senator and one representative.

(16) The sixteenth district shall consist of the counties of Steele and Griggs, and be entitled to one senator and three representatives.

(17) The seventeenth district shall consist of the county of Nelson, and be entitled to one senator and two representatives.

(18) The eighteenth district shall consist of the county of Cavalier and be entitled to one senator and three representatives.

(19) The nineteenth district shall consist of the county of Rolette, and be entitled to one senator and two representatives.

(20) The twentieth district shall consist of the county of Benson, and be entitled to one senator and two representatives.

(21) The twenty-first district shall consist of the county of Ramsey, and be entitled to one senator and three representatives.

(22) The twenty-second district shall consist of the county of Towner, and be entitled to one senator and two representatives.

(23) The twenty-third district shall consist of the county of Stutsman, and shall be entitled to one senator and four representatives.

(24) The twenty-fourth district shall consist of the county of La Moure, and shall be entitled to one senator and two representatives.

(25) The twenty-fifth district shall consist of the county of Dickey, and shall be entitled to one senator and two representatives.

(26) The twenty-sixth district shall consist of the counties of Emmons and Kidder, and be entitled to one senator and four representatives.

(27) The twenty-seventh district shall consist of the county of Burleigh, and be entitled to one senator and three representatives.

(28) The twenty-eighth district shall consist of the county of Bottineau, and shall be entitled to one senator and four representatives.

(29) The twenty-ninth district shall consist of the city of

Minot, and that portion of Ward County situated and being in townships 151, 152 and 153 of ranges 81, 82, 83, 84, 85, 86, and 87; townships 154, 155 and 156 of ranges 81, 82, 83, and 84, and township 157 of ranges 81, 82, and 83 and shall be entitled to one senator and four representatives.

(30) The thirtieth district shall consist of Morton County, and shall be entitled to one senator and three representatives.

(31) The thirty-first district shall consist of the county of Stark, and be entitled to one senator and three representatives.

(32) The thirty-second district shall consist of the counties of Eddy and Foster, and be entitled to one senator and two representatives.

(33) The thirty-third district shall consist of the county of Wells, and be entitled to one senator and two representatives.

(34) The thirty-fourth district shall consist of the townships 155, 156, 157 and 158, north of range 75 west, and also townships 155, 156, 157, 158, and 159, north of ranges 76, 77, 78, 79, and 80, in the county of McHenry, and be entitled to one senator and one representative.

(35) The thirty-fifth district shall consist of the county of Sheridan, and be entitled to one senator and one representative.

(36) The thirty-sixth district shall consist of the counties of McIntosh and Logan, and shall be entitled to one senator and three representatives.

(37) The thirty-seventh district shall consist of the township of Walcott, Colfax, Barrie, Helendale, Sheyenne, Viking, Garbourg, Freeman, West End, Homestead, Grafton, Antelope, Danton, Garfield, Dexter, Wyndmere, village of Wyndmere, Palford, Liberty, Brightwood, town of Hankinson, Elma, Durr, city of Lidgerwood, Moran and Grant, in the county of Richland, and be entitled to one senator and two representatives.

(38) The thirty-eighth district shall consist of the townships of Weimer, Noltimeir, Alta, Oriska, Springvale, Cuba, Green, Herman, Mansfield, Meadowlake, Svea, Scandia, Norman, Binghampton, Raritan, Thordenskjold, Oakville, Spring Creek, Rosebud, Greenland, village of Litchville, village of Nome, township one hundred forty, range sixty-one; township one hundred thirty-nine, range fifty-eight; and township one hundred thirty-eight, range fifty-eight in the county of Barnes, and be entitled to one senator and one representative.

(39) The thirty-ninth district shall consist of the counties of Billings, Bowman, Slope and Golden Valley, and shall be entitled to one senator and three representatives.

(40) The fortieth district shall consist of the counties of Burke and Divide and be entitled to one senator and three representatives.

(41) The forty-first district shall consist of the counties of Williams and McKenzie, and shall be entitled to one senator and five representatives.

(42) The forty-second district shall consist of the county of Pierce, and shall be entitled to one senator and two representatives.

(43) The forty-third district shall consist of the county of Renville, and shall be entitled to one senator and one representative.

(44) The forty-fourth district shall consist of the county of Mountrail, and shall be entitled to one senator and two representatives.

(45) The forty-fifth district shall consist of townships 151, 152, 153 and 154 north of ranges 75, 76, 78, 79 and 80, in the county of McHenry, and shall be entitled to one senator and one representative.

(46) The forty-sixth district shall consist of the counties of McLean and Stevenson (if created from the territory of McLean County) and shall be entitled to one senator and three representatives.

(47) The forty-seventh district shall consist of Grant County and shall be entitled to one senator and two representatives.

(48) The forty-eighth district shall consist of the counties of Mercer, Oliver, and Dunn, and be entitled to one senator and three representatives.

(49) The forty-ninth district shall consist of the counties of Adams, Hettinger and Sioux, and shall be entitled to one senator and three representatives.

Approved March 8, 1917.

APPROPRIATIONS

CHAPTER 3.

[S. B. No. 324—Heckle.]

APPROPRIATION—ADDITIONAL PENSIONS FOR MEMBERS OF NATIONAL GUARD.

An Act Making an Appropriation for Additional Pensions for Members of the First North Dakota Infantry, in the Service of their Country during the years 1916 and 1917, and Providing a Method of Payment by the State Treasurer on the Audit of the Adjutant General.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the Treasury, not otherwise appropriated, the sum of \$50,000.00 or so much thereof as may be found necessary for paying pensions (in addition to pensions provided for in Section 2423, of the Compiled Laws of 1913), in recognition of meritorious military service, hardships endured by the enlisted men of the First North Dakota Infantry, and to reimburse such enlisted men for

necessary expenses and time lost, not otherwise provided for, to all enlisted men of the First North Dakota Infantry who served with such regiment in the border service under the call of the President, dated June 19, 1916, and who returned to this state with the regiment or who were discharged from said service prior to the mustering out of the regiment from the United States Service, by reason of expiration of their terms of enlistment or on surgeon's certificates (except men who received aid from the United States under the provisions of the "Dependent Relative Act"). Such pensions shall be paid in amounts at the rate of \$10.00 per month for each month or major fraction thereof of such service, payment to be made in lump sums, to each enlisted man eligible, by the State Treasurer upon the audit and certificate of the Adjutant General of North Dakota, who is hereby charged with the duty of preparing lists and certifying to the qualifications of persons entitled to pensions under this act, provided that enlisted men eligible to pensions under this act shall make written applications therefor on forms to be prescribed by the Adjutant General, and provided that at the end of six months from the date of the taking effect of this act, all money not paid out under its terms shall revert to the Treasury of the State of North Dakota to become a part of the general fund.

Approved March 12, 1917.

CHAPTER 4.

[S. B. No. 152—Appropriations Committee.]

APPROPRIATION—AGRICULTURAL EXTENSION AT AGRICULTURAL COLLEGE.

An Act to appropriate \$40,450.00 for the Department of Agricultural Extension of the North Dakota Agricultural College, for Agricultural Work during the Years 1917 and 1918 as Outlined in the Federal Smith-Lever Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATIONS.] There is hereby appropriated out of any funds in the treasury of the state of North Dakota, not otherwise appropriated, the sum of \$40,450.00, of which sum \$17,627.00 shall be available in the year 1917, and \$22,823.00 shall be available in the year 1918, being an amount equal in each of the years 1917 and 1918 to the appropriation made by the Federal Government under the Smith-Lever act to the State of North Dakota, to be used by the Department of Agricultural Extension of the North Dakota Agricultural College in providing for, and conducting co-operative extension work with the United States Department of Agriculture; the establishment of and carrying on of agricultural demonstrations on the farm and in the home; the promotion of agricultural work and contests among boys and girls; such other agricultural extension work as may be required, and the publish-

ing of bulletins and circulars containing information for the farm and home.

Approved March 15, 1917.

CHAPTER 5.

[S. B. No. 105—Ployhar.]

Aid for North Dakota Regiment.

An Act to Provide Aid for Soldiers of the North Dakota Regiment who have been Stationed at the Mexican Border and who have no Employment Awaiting them on their return, and whose condition will be necessitous but for such Aid; Describing the Duty of the Adjutant General and Clerks of Courts, and Declaring an Emergency.

PREAMBLE

WHEREAS, The boys of the North Dakota Regiment who so gallantly responded to the call and order of President Wilson to go to the Mexican Border and fight for their Country if the need should arise, and to guard our Nation against the ruthless depredations of marauding bands of Mexican outlaws who were robbing and murdering our citizens in Texas, Arizona and New Mexico, and

WHEREAS, Many of these boys will be entirely dependent upon immediate employment to provide them with clothing, lodging, and the necessities of life because the compensation of the soldier is too small to enable him to save any money, and

WHEREAS, It may be difficult for some of these men to find immediate employment on account of the seasonal nature of the labor in this state, and

WHEREAS, These soldiers have not only upheld the honor of their Country, but especially the pride, glory and honor of their State, and to do so have sacrificed their time and labor and to force them to seek charity now would be a disgrace to this Commonwealth, therefore,

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of ten thousand dollars or so much thereof as may be necessary, which moneys shall be expended under the direction of the Adjutant General to provide food, shelter and lodging for any of the enlisted men in the North Dakota Regiment who have been stationed on the Mexican Border until such men can secure employment that will provide for their needs. Any such soldier whose condition is necessitous and who needs assistance to secure food, clothing and lodging may apply to the Clerk of Court of any county in the state, who shall immediately notify the Adjutant General by letter, tele-

phone or telegraph at the expense of the state and it shall be the duty of the Adjutant General to make temporary provisions for the relief of such soldier until he finds employment or until employment is obtained for him. The expense of sending communications to the Adjutant General shall be paid out of moneys appropriated by this Act.

§ 2. All bills for food, clothing and lodging given to soldiers under the provisions of this Act shall be approved by the Adjutant General and shall be paid by warrant drawn by the State Auditor on the fund in the State Treasury herein provided for. The Adjutant General shall submit to the Governor whenever called upon so to do, a detailed statement of the moneys expended under the provisions of this Act, and the Adjutant General shall submit to the next Legislative Assembly a detailed report thereof.

§ 3. EMERGENCY.] WHEREAS, This Act will be of no benefit to our soldiers returning from the Mexican Border unless it goes into immediate effect and operation, therefore, an emergency exists and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall take effect and be in force from and after its passage and approval.

Approved, February 17, 1917.

CHAPTER 6.

[H. B. No. 1—Walton.]

APPROPRIATION—ATTORNEY GENERAL.

An Act Appropriating Money for the Use of the Office of the Attorney General between the Following Dates, to-wit: January 2nd, 1917 to June 30th, 1917, both dates Inclusive.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sums hereinafter named, only, or so much thereof as may be necessary for the office of the Attorney General, and for his use, for the following specified purposes, between the following dates, namely, January 2nd, 1917 to June 30th, 1917, both dates inclusive, to-wit:

Salary of Additional Assistant Attorney General.....	\$1,250.00
Clerk Hire.....	1,000.00
Chief Clerk.....	750.00
Additional Stenographer.....	600.00
Postage.....	50.00
Office Supplies.....	60.00
Furniture and Fixtures.....	125.00
Traveling Expenses.....	1,500.00
Legal Expense.....	1,000.00

Printing Expense.....	\$ 300.00
Miscellaneous Expense.....	35.00
Total.....	\$6,670.00

§ 2. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety that this act shall become effective without delay for the following reasons, to-wit, namely:

That there are no moneys now available for the purposes herein specified, and whereas it is deemed proper and necessary that additional help be granted to the office of the Attorney General for the purpose of the efficient and due administration of the duties imposed upon the attorney general, therefore this act shall become and be in effect and force immediately upon its passage and approval by the Governor.

Approved, January 31, 1917.

CHAPTER 7.

[S. B. No. 183—Senate Appropriations Committee]

APPROPRIATION—BOARD OF EXPERTS.

An Act to appropriate \$5,700.00 for the payment of the Per Diem and Expenses of the Board of Experts; and the Salary, and Other Expenses of the Field Officer, to be incurred under Chapter 233 of the Session Laws of North Dakota for 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] The following sums are hereby appropriated out of any not otherwise appropriated funds in the state treasury, or so much of the same as may be necessary to carry out the provisions of Chapter 233 of the Session Laws of North Dakota for 1915, relating to the Board of Experts:

Per Diem and expenses of the members.....	\$ 800.00
Field Officer's Salary \$1,200 per annum.....	2,400.00
Field Officer's Expense \$1,200 per annum.....	2,400.00
Postage, \$50 per annum.....	100.00

Approved, March 16, 1917.

CHAPTER 8.

[S. B. No. 172—Senate Appropriations Committee.]

PER DIEM—BOARD OF PARDONS.

An Act to appropriate \$900.00 to provide funds for the payment of the per diem and necessary expenses of the members of the State Board of Pardons, together with postage, telegrams, telephone tolls, printing, and other necessary expenses incurred by such board as provided for in Section 11108 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$900.00, or so much thereof as may be necessary to pay the per diem and necessary expenses of the members of the State Board of Pardons, together with postage, telegrams, telephone tolls, printing and other necessary expenses incurred by such board as provided in Section 11108 of the Compiled Laws of 1913 for North Dakota.

Approved, March 1, 1917.

CHAPTER 9.

[S. B. No. 148—Senate Appropriations Committee.]

BOND OF STATE TREASURER.

An Act to appropriate \$2,000.00 to pay the premium on the State Treasurer's bond for the term covered by the years 1919, 1920, as authorized under Chapter 246, of the Session Laws of North Dakota for 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of \$2,000.00 or so much thereof as may be necessary to pay the premium on the bond of the State Treasurer of North Dakota, for term 1919-1920, as authorized by Chapter 246, of the Session Laws of North Dakota for 1915.

Approved, March 1, 1917.

CHAPTER 10.

[S. B. No. 189—Senate Appropriations Committee.]

BURIAL EXPENSES OF CERTAIN INMATES OF REFORM SCHOOL OR PENITENTIARY.

An Act to appropriate \$400.00 to provide funds for the payment of burial expenses of certain inmates of the Reform School or Penitentiary, as provided by Section 11302 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the

sum of \$400.00, or so much thereof as may be necessary to pay the expenses of burial of certain inmates of the Reform School or Penitentiary, as provided by Section 11302 of the Compiled Laws of 1913 for North Dakota.

Approved, March 1, 1917.

CHAPTER 11.

[S. B. No. 153—Appropriations Committee.]

APPROPRIATION—BURIAL OF HONORABLY DISCHARGED SAILORS, SOLDIERS AND MARINES.

An Act to appropriate \$300.00 to provide funds for the burial of honorably discharged sailors, soldiers, and marines of the United States war of the Rebellion and erection of headstones therefor, as authorized by Sections 3181, 3182, 3183, and 3184 of the Compiled Laws of North Dakota for 1913.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$300.00 or so much thereof as may be necessary to pay for the burial of honorably discharged sailors, soldiers, and marines of the United States war of Rebellion, and the erection of headstones therefor, as authorized under sections 3181, 3182, 3183 and 3184 of the Compiled Laws of North Dakota for 1913.

Approved March 15, 1917.

CHAPTER 12.

[S. B. No. 165—Appropriations Committee.]

APPROPRIATION—CARE OF INSANE.

An Act to appropriate money for the care of insane patients at the hospital for the insane, charged to the state at large, as provided under sections 261 and 2576 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$44,000.00 or so much thereof as may be necessary to pay the charges for the care of patients at the state hospital for insane, as provided for under sections 261 and 2576 of the Compiled Laws of 1913 for North Dakota.

Approved, March 16, 1917.

CHAPTER 13.

[S. B. No. 187—Senate Appropriations Committee.]

CONTINGENCY FUND.

An Act to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152 of the Session Laws of North Dakota for 1915; and Making an Appropriation of \$25,000 which shall be known as the State Contingency Fund.

Be it Enacted by the Legislative Assembly of the State of North Dakota;

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$25,000.00, or so much thereof as may be necessary which shall be known as the State Contingency Fund. The State Contingency Fund shall be placed at the disposal of the State Emergency Commission for the purposes authorized under Chapters 26 and 152 of the Session Laws of 1915 for North Dakota.

Approved, March 1, 1917.

CHAPTER 14.

[S. B. No. 186—Senate Appropriations Committee.]

APPROPRIATION—COST OF LISTS OF NEW TAXABLE LANDS.

An Act to appropriate \$500.00 to Provide Funds for the Payment of the Cost of the Lists of New Taxable Lands in 1918 and 1919, as Prescribed by Section 2222, Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota;

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$500.00, or so much thereof as may be necessary to pay the cost of procuring the lists of new taxable lands in 1918 and 1919 as authorized under Section 2222 of the Compiled Laws of 1913 for North Dakota.

Approved, March 16, 1917.

CHAPTER 15.

[S. B. No. 175—Appropriations Committee.]

APPROPRIATION—COUNTY COMMISSIONERS, ARREST AND RETURN OF FUGITIVES.

An Act Making it the Duty of the Board of County Commissioners to Approve Bills Covering Expenses Incurred in the Arrest and Return of Fugitives from Justice for the County in which such Board may have Jurisdiction; and Appropriating \$1,500.00 to Provide for the Payment of such Expenses.

Be it Enacted by the Legislative Assembly of the State of North Dakota;

§ 1. DUTY OF BOARD OF COUNTY COMMISSIONERS.] Before any bill covering expenses incurred in the arrest and return of a

fugitive from justice in North Dakota shall be presented to the state for payment, it shall be the duty of the Board of County Commissioners of the county by which such arrest and return was requested, to audit and approve all such claims.

§ 2. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,500.00 or so much thereof as may be necessary, to provide funds for the payment of bills for expenses incurred in the arrest and return of fugitives from justice, as more fully set out under Section 11162 of the Compiled Laws of 1913 for North Dakota.

Approved March 15, 1917.

CHAPTER 16.

[S. B. No. 163—Senate Appropriations Committee.]

DEFICIENCY APPROPRIATION.

An Act, to appropriate money for the purpose of providing a book credit to be used by the State Auditor and State Treasurer to cover a deficiency appearing on July 1st, 1915, in the account known as "Transportation Convicts to Penitentiary."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,683.23 to cover a deficit which appears in the account known as the "Transportation Convicts to Penitentiary" account on the books of the State Auditor and the State Treasurer. This appropriation shall be used by the said State Auditor and the State Treasurer only for the purpose of balancing the account before mentioned, which indicates a deficiency of the amount mentioned, on July 1st, 1915.

Approved March 1, 1917.

CHAPTER 17.

[S. B. No. 182—Appropriations Committee.]

APPROPRIATION—DEFICIENCY PUBLIC PRINTING.

An Act to appropriate \$9,380.21 to be used only as a book credit to balance the books of the State Auditor and the State Treasurer, and wipe out a deficiency in the public printing account which appears on the books of the State Auditor and State Treasurer on July 1st, 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$9,380.21 to cover a deficiency existing on July 1st, 1915, in the public printing account on the books of the state auditor and the state treasurer.

§ 2. HOW TO BE USED.] This appropriation shall be used by the state auditor and the state treasurer only for the purpose of balancing the public printing account as it appears overdrawn in the amount of \$9,380.21 on July 1st, 1915.

Approved March 7, 1917.

CHAPTER 18.

[H. B. No. 240—Committee on Appropriations.]

APPROPRIATION—DEFICIT STALLION REGISTRATION BOARD.

An Act Making an Appropriation to Pay the Deficit in the Current Appropriation for Expenses of the Stallion Registration Board.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$140.92, or so much thereof as may be necessary to pay the deficit in the appropriation for the State Stallion Registration Board for the biennial period beginning July 1st, 1915, and other expenses thereof.

Approved March 15, 1917.

CHAPTER 19.

[H. B. No. 239—Committee on Appropriations.]

APPROPRIATION—DEFICIT TRANSPORTATION OF INMATES TO REFORM SCHOOL.

An Act Making an Appropriation to Provide for the Payment of a Deficit Incurred for the Transportation of Inmates to the State Reform School.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of \$25.15 for the purpose of balancing the accounts on the books of the state auditor for moneys paid for the transportation of inmates to the State Reform School.

Approved March 15, 1917.

CHAPTER 20.

[S. B. No. 188—Senate Appropriations Committee.]

APPROPRIATION—EXPENSES OF APPRAISERS OF INHERITANCES,
DEVISES, BEQUESTS, LEGACIES AND GIFTS.

An Act to appropriate \$1,200.00 to provide funds for the payment of fees and expenses of appraisers of inheritances, devises, bequests, legacies and gifts, as provided for in Section 8991 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,200.00 or so much thereof as may be necessary to provide funds for the payment of appraisers of inheritances, devises, bequests, legacies and gifts, for which compensation and expenses are named in section 8991 of the Compiled Laws of 1913 for North Dakota.

Approved March 15, 1917.

CHAPTER 21.

[S. B. No. 174—Senate Appropriations Committee.]

EXPENSES INCURRED IN ACTIONS BROUGHT TO RELEASE INSANE
PERSONS.

An Act authorizing an appropriation to provide funds for the payment of expenses incurred in actions brought to release insane persons, as provided by Section 2562 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury the sum of \$300.00, or so much thereof as may be necessary, to pay the expenses incurred in actions brought to release insane persons under Section 2562 of the Compiled Laws of 1913 for North Dakota.

Approved March 1, 1917.

CHAPTER 22.

[H. B. No. 228—Committee on Appropriations.]

APPROPRIATION—FEDERAL AID FOR ROAD PURPOSES.

An Act making an appropriation for the purpose of securing federal aid for road purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$28,000.00 to be available June 1, 1918, or as much thereof as may be necessary to be expended for the building and improvement of roads so

as to comply with the provisions of the Federal Law, which provides for Federal Aid to the various states for the building and improvement of public roads.

Approved March 15, 1917.

CHAPTER 23.

[H. B. No. 235—Committee on Appropriations.]

APPROPRIATION—FLORENCE CRITTENDON HOME.

An Act making an Appropriation for the Florence Crittendon Home at Fargo, North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of six thousand dollars, or so much thereof as may be necessary to the Florence Crittendon Home, a corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$15.00 per month, or major fraction thereof, for the care, support and maintenance of each poor and indigent girl and each poor and indigent infant and inmate of such Home, and who is a resident of this State; such sums to be payable out of the State Treasury upon monthly vouchers duly verified by the Superintendent of such Home, provided, further that such Home shall make to the State Auditor an annual statement showing the disposition of such funds in detail and such further facts as the Auditor may require, and such Home shall be subject to inspection by the Board of Control.

Approved March 15, 1917.

CHAPTER 24.

[S. B. No. 136—Senate Appropriations Committee.]

APPROPRIATION—GENERAL.

An Act to appropriate \$3,378,944.13 for the Expenses of Executive, Legislative and Judicial Departments of the State Government, and for the Public Schools, Specifying the Amount and the Time for which such Appropriations shall be Available, and Repealing all Acts, or Parts of Acts in so far as the Same Shall Relate to Appropriations Conflicting Herewith, or to Appropriations for the Same Matters or Purposes Provided for Herein.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 136, an Act to appropriate \$3,378,944.13 for the expenses of Executive, Legislative and Judicial Departments of the State Government, and for public schools, specifying the amount and the time for which such appropriations shall be available, and repealing all Acts, or parts of Acts

in so far as the same shall relate to appropriations conflicting herewith, or to appropriations for the same matters or purposes provided for herein, with my approval except as to the following items:

\$600 for extra stenographic assistance for preparing copy for Session Laws and Blue Book and proof reading;

\$600 For postage for sending out Blue Books, both in Sub-division 6;

\$4000 For Rate Expert; \$750 for expenses in connection with Membership in National Association of Railroad Commissioners, both in Sub-division 15;

\$5000 For Commissioner of Education; \$900 for stenographer for one year; \$7000 for traveling expenses, all in Sub-division 26;

\$2000 For completing 3rd floor of Macnie Hall; \$20,000 for equipment for Chemistry Building, both in Sub-division 28;

\$1000 for improving drives; \$2000 for repairs to farm house and hog house; \$4000 addition to veterinary barn, all in Sub-division 33; \$6000 for live-stock revolving fund in Sub-division 37;

\$7500 For marketing and rural finance in Sub-division 38;

\$1000 for walks and \$1000 for athletic grounds; \$50,000 for new building; \$4000 for furniture and equipment, all in Sub-division 45;

\$51,700 for west wing of main building; \$1000 for institution barn; \$800 for team, harness, wagon, etc.; \$25,000 for piping and reservoir for private water supply; \$13,470 addition to school grounds, all in Sub-division 46;

\$20,000 for new building in Sub-division 47;

\$500 for rewiring two buildings; \$4000 for practice and Model school; \$250 for gymnasium equipment in Sub-division 48;

\$10,000 for repairing and modernizing main building; \$1000 for storage room for coal; \$1000 for plumbing, in Sub-division 49;

\$2,027 for improvements and repairs; \$2,569 for equipment in Sub-division 50.

\$3,500 for water and sewer mains; \$9,000 for plumbing and wiring; \$125,000 for main building; \$15,000 for central heating plant; \$3,500 for furniture and fixtures; \$2,500 for library; \$2,500 for laboratory equipment, in Sub-division 51.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.] The sum of \$3,378,944.13 in sums hereinafter more specifically named only, or so much thereof as may be necessary is, and are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purposes specified in the following Sections or Sub-divisions of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated the appropriations herein or hereafter made shall be available for the expenses to be incurred in and for the several purposes herein set forth during the fiscal period of two years, beginning July 1st, 1917, and ending July 1st, 1919.

§ 2a. The appropriation hereinafter made under sub-division 46 for the Minot Normal School under the head of miscellaneous, covering addition to school grounds in the specific sum of \$13,470.00, shall be available as follows:

The sum of \$4,350.00 for the fiscal period beginning July 1st, 1917 and ending July 1st, 1919; the sum of \$4,760.00 for the fiscal period beginning July 1st, 1919 and ending July 1st, 1921; and the sum of \$4,360.00 for the fiscal period beginning July 1st, 1921, and ending July 1st, 1923.

Sub-division 1.

EXECUTIVE OFFICE

Salary of Governor.....	\$5,000 per annum	\$ 10,000.00
Clerkhire—		
Private Secretary.....	\$2,000 per annum	4,000.00
Clerk and Stenographer.....	1,500 per annum	3,000.00
Postage.....		650.00
Office Supplies.....		200.00
Furniture and Fixtures.....		300.00
Printing.....		300.00
Miscellaneous Expense—		
Telephone, Telegrams, Express, Freight, Drayage, etc.....		500.00
Contingent Fund.....		1,250.00
Deficiency Available upon approval of this Act.....		250.00
		<hr/> \$20,450.00

Sub-division 2.

LIEUTENANT GOVERNOR

Salary of Lieutenant Governor.....	\$1,000 per annum	\$ 2,000.00
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Sub-division 3.

SUPREME COURT

Salary and Expenses of Judges, \$5,500 per annum each	\$ 55,000.00
Salary, Clerk of Court.....	\$2,000 per annum 4,000.00
Salary, Reporter of Court.....	1,500 per annum 3,000.00
Per Diem of Marshal.....	50.00
Clerkhire—	
In office of Clerk.....	\$1,200 per annum 2,400.00
Stenographers to Judges.....	7,200.00
Postage.....	650.00
Office Supplies.....	400.00

Furniture and Fixtures.....	\$ 300.00
Traveling Expense Clerk of Court.....	100.00
Printing.....	700.00
Miscellaneous: Express, Telephone, Telegrams.....	350.00
	<u>\$74,150.00</u>

Sub-division 4.

JUDGES OF THE DISTRICT COURT

Salaries of Twelve (12) Judges at \$4,000 per annum...	\$ 96,000.00
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Sub-division 5.

STATE LAW LIBRARY

Postage.....	\$ 25.00
Office Supplies.....	50.00
Furniture and Fixtures.....	200.00
Printing (mainly rebinding books).....	50.00
Purchase of New Books and Subscriptions to various continuing reports.....	2,000.00
Miscellaneous—	
Drayage, Freight and Express.....	25.00
	<u>\$ 2,350.00</u>

Sub-division 6.

SECRETARY OF STATE

Salary, Secretary of State.....\$3,000 per annum	\$ 6,000.00
Clerkhire—	
Deputy..... 1,800 per annum	3,600.00
Chief Clerk..... 1,500 per annum	3,000.00
Document Clerk and Expert Printer 1,800 per annum	3,600.00
Two (2) Recording Clerks, each 900 per annum	3,600.00
Stenographers.....	8,040.00
Extra Stenographic Assistance for preparing copy for Session Laws and Blue Book and Proof Reading.....	600.00
Postage for Department.....	4,000.00
Postage for sending out 10,000 blue books.....	600.00
Office Supplies.....	1,250.00
Furniture and Fixtures.....	1,000.00
Vault and Vault Fixtures.....	1,250.00
Traveling Expense Secretary of State and State Printer.....	300.00
Printing and Lithographed Legal Forms.....	10,000.00
Record Books.....	600.00
Miscellaneous—	
Telephone rental and toll charges.....\$450	
Telegrams..... 100	
Express..... 800	
Freight and Drayage, etc..... 250	1,600.00
	<u>\$49,040.00</u>

Sub-division 7.

STATE AUDITOR

Salary of State Auditor.....	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy.....	2,400 per annum	4,800.00
Chief Clerk.....	1,500 per annum	3,000.00
Clerk and Bookkeeper.....	1,200 per annum	2,400.00
Stenographer.....	1,000 per annum	2,000.00
Clerk.....	1,200 per annum	2,400.00
Postage.....		1,000.00
Office Supplies.....		500.00
Furniture and Fixtures.....		1,000.00
Printing.....		2,000.00
Printing Deficiency to July 1st, 1917, to be effective immediately on passage and approval of this act.		800.00
Miscellaneous—		
Telephone rentals and tolls.....	\$100	
Telegrams.....	50	
Freight, Express, Drayage.....	50	200.00
		<u>\$26,100.00</u>

Sub-division 8.

STATE TREASURER

Salary of State Treasurer.....	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy.....	2,400 per annum	4,800.00
Bookkeeper.....	1,500 per annum	3,000.00
Bookkeeper.....	1,500 per annum	3,000.00
Stenographer and Bond Clerk....	1,000 per annum	2,000.00
Postage.....		1,500.00
Office Supplies.....		200.00
Furniture and Fixtures.....		150.00
Printing.....		1,600.00
Miscellaneous.....		150.00
		<u>\$22,400.00</u>

Sub-division 9.

COMMISSIONER OF INSURANCE

Salary of Insurance Commissioner....	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Actuary and Expenses.....		300.00
Deputy.....	\$1,800 per annum	3,600.00
Chief Clerk.....	1,200 per annum	2,400.00
Bookkeeper.....	900 per annum	1,800.00
Stenographer.....	900 per annum	1,800.00
Postage.....		800.00

Office Supplies.....	\$	300.00
Furniture and Fixtures.....		300.00
Printing.....	\$1,250 per annum	2,500.00
Miscellaneous—		
Freight, Express, Drayage, Telephone and Telegrams.....	\$200 per annum	400.00
		<hr/> \$20,200.00

Sub-division 10.

STATE FIRE MARSHAL

Salary of Fire Marshal.....	\$2,500 per annum	\$ 5,000.00
Salary of Chief Assistant.....	1,800 per annum	3,600.00
Salary of Deputy.....	1,200 per annum	2,400.00
Postage.....		200.00
Office Supplies.....		100.00
Furniture and Fixtures.....		100.00
Traveling Expense.....		3,600.00
Printing.....		100.00
Miscellaneous—		
Freight, Express, Telephone and Telegrams.....		235.00
Fees paid to Fire Chiefs.....		300.00
		<hr/> \$15,635.00

Sub-division 11.

ATTORNEY GENERAL.

Salary of Attorney General.....	\$3,600 per annum	\$ 7,200.00
Salary Assistants Attorney General		
(2) each at.....	2,500 per annum	10,000.00
Clerk Hire—		
One Additional Assistant to Attorney General at.....	2,000 per annum	4,000.00
One Chief Clerk at.....	2,000 per annum	4,000.00
One Brief Clerk at.....	2,000 per annum	4,000.00
Three Stenographers, each at.....	1,200 per annum	7,200.00
Postage.....		350.00
Office Supplies.....		250.00
Furniture and Fixtures.....		300.00
Traveling Expenses.....		4,000.00
Legal Expenses.....		10,000.00
Printing.....		2,000.00
Miscellaneous Expense—		
Telephone Rental and Tolls.....		450.00
Telegrams.....		150.00
Express.....		100.00
		<hr/> \$54,000.00

Sub-division 12.

SUPERINTENDENT OF PUBLIC INSTRUCTION

Salary of Superintendent.....	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy.....	1,800 per annum	3,600.00
Assistant.....	2,000 per annum	4,000.00
Chief Clerk.....	1,000 per annum	2,000.00
Clerk.....	900 per annum	1,800.00
Clerk.....	900 per annum	1,800.00
Postage.....		2,000.00
Office Supplies.....		250.00
Furniture and Fixtures.....		250.00
Traveling Expenses.....		2,400.00
Printing—		
Blanks for distribution to school officers.....		8,000.00
Pamphlets, Manuals, etc.....		5,000.00
Miscellaneous—		
Telephone, Telegraph, Express, Freight, Drayage.....		500.00
		<hr/>
		\$37,600.00

Sub-division 13.

COMMISSIONER OF AGRICULTURE AND LABOR

Salary Commissioner of Agriculture and Labor.....	\$3,000 per annum	\$6,000.00
Clerkhire—		
Deputy.....	1,800 per annum	3,600.00
Chief Clerk.....	1,200 per annum	2,400.00
Chief Stenographer.....	1,000 per annum	2,000.00
Postage.....		600.00
Office Supplies.....		200.00
Furniture and Fixtures.....		200.00
Printing.....		2,000.00
Traveling Expenses.....		2,000.00
Deficiency Available Upon Approval of this Act.....		250.00
Maps.....		550.00
Miscellaneous—		
Telephone, Telegrams, Freight, Drayage and Express.....		250.00
		<hr/>
		\$20,050.00

Sub-division 14.

DAIRY COMMISSIONER

Salary Dairy Commissioner.....	\$2,400 per annum	\$ 4,800.00
Clerkhire—		
Two (2) Assistants, each.....	1,500 per annum	6,000.00

APPROPRIATIONS

Secretary.....	\$1,500 per annum	\$ 3,000.00
Stenographer.....	1,000 per annum	2,000.00
Postage.....		500.00
Office Supplies.....		150.00
Furniture and Fixtures.....		250.00
Printing.....		600.00
Traveling Expense.....		5,000.00
Miscellaneous—		
Telephone.....	\$135	
Telegrams.....	55	
Freight, Express and Drayage.....	60	250.00
Miscellaneous—		
Dairy Production Contests.....		250.00
		<hr/>
		\$22,800.00

Sub-division 15.

RAILROAD COMMISSION

Salary Three (3) Commissioners.....	\$2,000 per annum	\$12,000.00
Clerk hire—		
Secretary.....	2,000 per annum	4,000.00
Clerk.....	1,500 per annum	3,000.00
Reporter.....	1,500 per annum	3,000.00
Rate Expert.....	2,000 per annum	4,000.00
Elevator Examiner.....	1,500 per annum	3,000.00
Postage.....		800.00
Office Supplies and Deficiency.....		350.00
Furniture and Fixtures.....		200.00
Traveling Expense.....		5,000.00
Printing and Advertising.....		1,600.00
Miscellaneous—		
Freight, Express, Telegraph, Telephone, Drayage.		500.00
Expense in connection with Membership in National Association of Railroad Commissioners.....		750.00
		<hr/>
		\$38,200.00

Sub-division 16.

LAND DEPARTMENT

Salary Land Commissioner.....	\$3,000 per annum	\$6,000.00
Clerk hire—		
Deputy.....	2,000 per annum	4,000.00
Chief Clerk.....	1,800 per annum	3,600.00
Mortgage and Bond Clerk.....	1,800 per annum	3,600.00
Clerk.....	1,800 per annum	3,600.00
Clerk.....	1,200 per annum	2,400.00
Clerk.....	1,080 per annum	2,160.00
Two (2) Stenographers.....	\$1,000 per annum each	4,000.00

Postage.....	\$ 1,500.00
Office Supplies and Deficit.....	600.00
Furniture and Fixtures.....	300.00
Traveling Expense.....	1,800.00
Printing.....	2,000.00
Miscellaneous—	
Telephone, Telegrams, Freight, Express, Drayage.....	275.00
Expense Appraisalment and Sale-Advertising and Leasing.....	5,000.00
Filing Selection Lists.....	100.00
Coal Mine Fires.....	275.00
	<hr/>
	\$41,210.00

Sub-division 17.

STATE EXAMINER

Salary State Examiner.....	\$3,000 per annum	\$6,000.00
Chief Deputy Examiner.....	2,500 per annum	5,000.00
Deputy Examiner (Office).....	2,000 per annum	4,000.00
8 Deputy Examiners (Banks).....	2,000 per annum	32,000.00
2 Deputy Examiners (County).....	1,800 per annum	7,200.00
1 Deputy Examiner (City).....	2,000 per annum	4,000.00
Clerkhire—		
Stenographer.....	1,200 per annum	2,400.00
Stenographer.....	900 per annum	1,800.00
Chief Clerk.....	1,500 per annum	3,000.00
Postage.....		2,000.00
Office Supplies.....		300.00
Furniture and Fixtures.....		250.00
Traveling Expense.....		25,000.00
Printing.....		2,000.00
Miscellaneous—		
Telephone and Tolls.....	\$500	
Telegrams.....	50	
Freight, Express and Drayage.....	50	600.00
		<hr/>
		\$95,550.00

Sub-division 18.

TAX COMMISSION

Salary Three (3) Commissioners.....	\$3,000 per annum	\$18,000.00
Clerkhire—		
Chief Clerk.....	2,000 per annum	4,000.00
Field Agent.....	1,800 per annum	3,600.00
Two (2) Stenographers.....	1,080 per annum	4,320.00
Bill Clerk and Typist.....	900 per annum	1,800.00
Deficiency to July 1, 1917.....		2,320.00
Postage.....		600.00
Office Supplies and Deficit.....		300.00

Furniture and Fixtures.....	\$	300.00
Traveling Expense.....		4,000.00
Printing and Publishing Tax Laws.....		1,500.00
Miscellaneous—		
Freight, Express, Drayage, Telephone and Telegrams.....		300.00
Fees and Dues.....		75.00
		<u>\$41,115.00</u>

Sub-division 19.

BOARD OF CONTROL OF STATE INSTITUTIONS

Salary Three (3) Members, each.....	\$3,000 per annum	\$18,000.00
Clerkhire—		
Secretary.....	2,000 per annum	4,000.00
Chief Clerk and Stenographer....	1,500 per annum	3,000.00
Stenographer.....	1,000 per annum	2,000.00
Supply Clerk.....	900 per annum	1,800.00
Postage.....		450.00
Office Supplies.....		200.00
Furniture and Fixtures.....		200.00
Traveling Expense.....		1,450.00
Printing.....		1,500.00
Miscellaneous—		
Telephone, Toll Charges, Telegrams, Freight, Express, Drayage, etc.....		750.00
		<u>\$33,350.00</u>

Sub-division 20.

LIBRARY COMMISSION

Salary Librarian.....	\$1,800 per annum	\$3,600.00
Clerkhire—		
Legislative Reference Librarian..	1,200 per annum	2,400.00
Chief of Traveling Library.....	1,140 per annum	2,280.00
Stenographer.....	1,000 per annum	2,000.00
Clerk.....	720 per annum	1,440.00
Traveling Organizer.....		1,000.00
Postage.....		800.00
Office Supplies and Deficit to July 1, 1917, available at once.....		675.00
Furniture and Fixtures.....		600.00
Printing.....		600.00
Traveling Expense and Deficit to July 1, 1917, available at once.....		900.00
Miscellaneous—		
Telephone, telegrams, freight drayage and express Books.....		600.00
		5,000.00

Preparation of new books.....	\$500.00
Traveling Library cases.....	500.00
Aid to Libraries.....	300.00
	<u>\$23,195.00</u>

Sub-division 21.

STATE ENGINEER

Salary, State Engineer.....	\$2,500 per annum	\$5,000.00
Clerkhire—		
Assistant State Engineer.....	1,800 per annum	3,600.00
Assistant State Mine Inspector..	1,800 per annum	3,600.00
Stenographer and Clerk.....	1,200 per annum	2,400.00
Additional Stenographic Help.....		150.00
Field Men Four (4) men for 5 months each year at \$60 per month.....		2,400.00
Stenographer, Deficit to July 1, 1917, available on approval of this Act.....		135.00
Field Men, Deficit to July 1, 1917, available on approval of this Act.....		300.00
Postage.....		350.00
Deficit to July 1, 1917, available on approval of this Act.....		50.00
Office Supplies.....		1,000.00
Deficit to July 1, 1917, available on approval of this Act.....		100.00
Furniture and Fixtures.....		100.00
Deficit to July 1, 1917, available on approval of this Act.....		50.00
Traveling Expense.....		2,700.00
School Land Examinations.....		1,500.00
Printing.....		700.00
Deficit to July 1, 1917, available on approval of this Act.....		100.00
Miscellaneous—		
Telephone.....	\$100	
Telegrams.....	20	
Freight, Drayage and Express.....	80	200.00
Hydrographic Work.....		800.00
		<u>\$25,235.00</u>

Sub-division 22.

ADJUTANT GENERAL

Salary Adjutant General.....	\$1,800 per annum	\$3,600.00
Clerkhire—		
Chief Clerk.....	1,200 per annum	2,400.00
		<u>\$6,000.00</u>

Sub-division 23.

HISTORICAL SOCIETY

Salary, Curator.....	\$2,000 per annum	\$4,000.00
Clerkhire—		
Librarian.....	\$1,000.00 per annum	2,000.00
Assistants in Office Curator.....		1,800.00
Services of Secretary.....		225.00
Preparation of Copy of Volume 5.....		95.00
Postage.....		212.00
Office Supplies.....		238.00
Furniture and Fixtures.....		485.00
Traveling Expense—		
Field Work and Attendance at Directors' Regular Meetings, Park Commissioners and State and National Meetings.....		1,250.00
Printing and Binding.....		1,000.00
Miscellaneous—		
Freight, Express, Drayage, Telephone and Telegrams.....		350.00
Books.....		600.00
Museum.....		416.00
Deficiency (bills on file in State Auditor's office)....		510.00
		<hr/>
		\$13,181.00

Sub-division 24.

STATE BOARD OF HEALTH

Salary, Superintendent.....	\$1,200 per annum	\$2,400.00
Clerkhire—		
Stenographer.....	900 per annum	1,800.00
Postage.....		300.00
Office Supplies.....		300.00
Traveling Expense and Deficit.....		1,600.00
Printing and Deficit.....		1,600.00
Miscellaneous—		
Telephone, Express, Drayage, Telegrams, etc.....		100.00
		<hr/>
		\$8,100.00

Sub-division 25.

LIVE STOCK SANITARY BOARD

Salary, State Veterinarian.....	\$3,000 per annum	\$6,000.00
Clerkhire—		
Stenographer.....	900 per annum	1,800.00
Postage.....		350.00
Office Supplies.....		75.00
Furniture and Fixtures.....		100.00
Services and Expenses of Assistant State Veterinarians.		18,000.00

Printing.....	\$	650.00
Miscellaneous—		
Telephone rent and Tolls.....	\$150	
Telegrams.....	100	
Freight, Express and Drayage.....	10	260.00
Unpaid Walsh Bills, 1914.....		200.00
		<u>\$27,435.00</u>

Sub-division 26.

BOARD OF REGENTS

Salary, Per Diem of (5) Members of the Board.....	\$6,000.00
Clerkhire—	
Commissioner of Education.....	5,000.00
Secretary.....	\$2,500 per annum 5,000.00
Chief Clerk.....	1,300 per annum 2,600.00
Bookkeeper.....	1,200 per annum 2,400.00
Stenographer, for one year.....	900.00
Postage.....	800.00
Office Supplies.....	800.00
Furniture and Fixtures.....	500.00
Traveling Expense.....	7,000.00
Printing.....	1,500.00
Miscellaneous—	
Telegrams, Telephone, Drayage, Express, Freight, etc.....	800.00
	<u>\$33,300.00</u>

Sub-division 27.

OIL INSPECTION DEPARTMENT

Salary, State Oil Inspector.....	\$1,000 per annum	\$2,000.00
17 deputies.....		21,600.00
Postage.....		400.00
Office Supplies and Apparatus.....		800.00
Traveling Expense.....		400.00
Printing.....		100.00
Miscellaneous—		
Telephone.....	\$ 500	
Toll Charges.....	200	
Telegrams.....	150	
Express.....	50	
Freight and Drayage.....	170	
Insurance.....	30	1,100.00
Office Rent, Fargo, Hankinson, Grand Forks.....		1,300.00
Testing at Agricultural College.....	3,000	6,000.00
Testing at University.....	3,000	6,000.00
		<u>\$39,700.00</u>

Sub-division 28.

UNIVERSITY AND SCHOOL OF MINES

Maintenance—	
General Maintenance.....	\$ 81,000.00
Library Maintenance.....	6,000.00
Summer Session.....	4,000.00
Extension Work.....	8,000.00
Museum.....	1,000.00
Improvements and Repairs—	
Care and Improvement of Grounds.....	2,000.00
Repairing, Calcimining, Painting.....	5,000.00
Electrical Repairs and Changes.....	2,500.00
Completing third floor of Macnie Hall.....	2,000.00
Tunnel for Steam Pipes.....	6,400.00
Steel Trusses for Roof of Power House.....	2,500.00
New Buildings—	
Chemistry Building.....	90,000.00
Equipment—	
For Chemistry Building.....	20,000.00
Furniture for Dormitories.....	5,000.00
Equipment for Engineering Departments.....	7,000.00
Books for Library.....	5,000.00
	<u>\$247,400.00</u>

Sub-division 29.

BIOLOGICAL STATION—DEVIL'S LAKE

Maintenance.....	\$ 6,000.00
Improvements and Repairs—	
Repairs to Water Tanks and Changes in Water System.....	1,680.00
	<u>\$7,680.00</u>

Sub-division 30.

PUBLIC HEALTH LABORATORIES

Maintenance Laboratory at University.....	\$ 14,750.00
Maintenance Branch Station at Bismarck.....	3,090.00
Maintenance Branch Station at Minot.....	3,160.00
Maintenance Branch Station at Fargo.....	3,000.00
The miscellaneous collections from this activity shall be available as additional maintenance to the University Laboratory and the Branch Stations named. (See Section 1650 C. L. 1913.)	
	<u>\$24,000.00</u>

Sub-division 31.

GEOLOGICAL SURVEY AT UNIVERSITY

Maintenance and Expense.....	\$2,000.00
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Sub-division 32.

MINING SUB-STATION AT HEBRON

Maintenance, Deficiency to July 1, 1917.....	\$3,400.00
Expenses, Material, Supplies, Salaries.....	7,100.00
Special Appliances for testing, including coal, gas and clay appliances.....	6,000.00
Miscellaneous.....	500.00
	<hr/>
	\$17,000.00

Sub-division 33.

AGRICULTURAL COLLEGE—FARGO

Maintenance—	
Additional Teachers.....	\$12,000.00
Improvements and Repairs—	
Building Walks.....	1,000.00
Improving Drives.....	1,000.00
Care and Improvement of Grounds.....	1,500.00
Repairs to Farm House and Hog House.....	2,000.00
New Buildings—	
Addition to Science Hall.....	60,000.00
Addition to Veterinary Barn.....	4,000.00
Equipment—	
Equipment for Mechanic Arts Department.....	3,000.00
Miscellaneous—	
Insurance.....	8,500.00
Deficiency on Heating Plant (1904).....	17,133.85
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	\$110,133.85

Sub-division 34.

BEVERAGE FUND AGRICULTURAL COLLEGE

For the Enforcement of the Laws Governing Feeding Stuffs, Fertilizers, Beverages, and Sanitary In- spection (Section 1624-2883 C. L. 1913).....	\$24,000.00
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Sub-division 35.

PURE FOOD, AGRICULTURAL COLLEGE

For the Enforcement of the Pure Food and Drug Laws (Section 1622, 2879, 2883 C. L. 1913.).....	\$20,000.00
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Sub-division 36.

PURE SEED INSPECTION—AGRICULTURAL COLLEGE

For the Purpose of examining, testing and inspection or examination of seeds, sold, offered, or exposed for sale in North Dakota, and for other purposes. (Section 2898-2904 C. L. 1913.).....	\$10,000.00
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Sub-division 37.

EXPERIMENTAL STATION—AGRICULTURAL COLLEGE

To provide funds for the continuation of the work of the Agricultural College Experimental Station (Section 1619-2911 C. L. 1913.).....	\$50,000.00
Livestock revolving fund.....	6,000.00
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	\$56,000.00

Sub-division 38.

MARKETING AND RURAL FINANCE—AGRICULTURAL COLLEGE

To provide funds for the Agricultural College Experiment Station for Studies in Marketing, rural finance, and co-operation and for the publication of information derived from research along the above mentioned lines.....	\$7,500.00
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Sub-division 39.

EXTENSION FUND—AGRICULTURAL COLLEGE

To provide funds for the continuation of the Agricultural Extension Department of the Agricultural College and assist in carrying out the provisions of the Smith-Lever Federal Aid Work in the Agricultural Demonstration. (S. L. 1915.).....	\$40,000.00
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Sub-division 40.

DEMONSTRATION FARMS—AGRICULTURAL COLLEGE

For the maintenance of demonstration farms, and the establishment of new demonstration farms as provided by section 1623, C. L. of 1913.....	\$24,000.00
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Sub-division 41.

SERUM INSTITUTE—AGRICULTURAL COLLEGE

For the maintenance of a Serum Institute at the Agricultural College and the manufacture and distribution of vaccines, sera, and other agents for the prevention and eradication of various infectious and contagious diseases. (Section 1567 C. L. of 1913.).....	\$6,000.00
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Sub-division 42.

MILLING EXPERIMENTS—AGRICULTURAL COLLEGE

For the maintenance of a plant at the Agricultural College in which shall be conducted experiments to determine the comparative milling values of the different grades of wheat. (Section 1625 C. L. 1913.).....	\$1,000.00
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Sub-division 43.

GEOLOGICAL SURVEY—AGRICULTURAL COLLEGE

To provide funds for the Agricultural College with which to execute, together with directors of the United States Federal Surveys, a Topographic, Economic and Agricultural Survey of North Dakota, and Publishing Maps. (Section 1862, 1673, C. L. of 1913.)..... \$2,000.00

Sub-division 44.

AGRICULTURAL SUB-STATIONS TO AGRICULTURAL COLLEGE

To provide funds for the support and maintenance of the five agricultural sub-stations under the supervision of the Agricultural College, located at Edgeley, Dickinson, Langdon, Williston and Hettinger. (Sections 1629-1627-1633-1643 C. L. of 1913.)..... \$50,000.00

Sub-division 45.

VALLEY CITY NORMAL SCHOOL

Maintenance.....	\$ 65,000.00
Improvement and Repairs—	
Curb, Gutter, Sewer.....	3,000.00
Repairs to Buildings.....	3,000.00
Electrical Changes.....	3,000.00
Walks.....	1,000.00
Athletic Grounds.....	1,000.00
Heat Main.....	2,000.00
New Buildings—	
A building to be used for the purpose of Physical Education or Administration as may be designated by the Board of Regents.....	50,000.00
Equipment—	
Furniture and Equipment.....	4,000.00
Library.....	4,000.00
Miscellaneous—	
Insurance.....	1,868.28
	<hr/>
	\$137,868 28

Sub-division 46.

MINOT NORMAL SCHOOL

Maintenance.....	\$45,000.00
Improvements and Repairs—	
Campus and Model School Grounds Grading.....	1,000.00
Decorating Main Building.....	750.00

New Buildings—	
West Wing to Main Building.....	\$ 51,700.00
Institution Barn.....	1,000.00
Equipment—	
Industrial Arts, Laboratories and General.....	7,500.00
Miscellaneous—	
Team, Harness, Wagon, etc.....	800.00
Piping and Reservoir for Private Water Supply....	2,500.00
Street Grading Assessed against Normal School....	2,500.00
Addition to School Grounds.....	13,470.00
Insurance.....	640.00
	<hr/>
	\$126,860.00

Sub-division 47.

MAYVILLE NORMAL SCHOOL

New Buildings—	
Partial payment of cost of New Women's Dormitory (to cost \$75,000 complete, with furnishings and equipment.) The Board of Regents recommends that this amount be appropriated to aid in the erection and equipment of a Women's Dormitory, and it is further requested that a law be passed authorizing the Board of Regents to expend from the local funds now on hand to the credit of that institution, the balance of the amount, (\$50,000) necessary to construct and equip such a building.....	\$20,000.00
Reconstruction of main building.....	5,000.00
	<hr/>
	\$25,000.00

Sub-division 48.

NORMAL—INDUSTRIAL SCHOOL ELLENDALE

Maintenance.....	\$9,000.00
Improvements and Repairs—	
Rewiring two buildings.....	500.00
Repairing Mechanical Art Building.....	400.00
Three new boilers.....	1,500.00
New Buildings—	
Practice or Model School.....	4,000.00
Equipment—	
New Books.....	800.00
Gymnasium Equipment.....	250.00
Miscellaneous—	
Interest on Carnegie Warrants.....	3,500.00
Insurance.....	800.00
	<hr/>
	\$20,750.00

Sub-division 49.

SCHOOL OF SCIENCE AT WAHPETON

Maintenance—	
Fuel.....	\$8,500.00
Electric Lights.....	1,500.00
Improvements and Repairs—	
Repairing and Modernizing Main Building.....	10,000.00
Storage Room for Coal.....	1,000.00
Plumbing.....	1,000.00
Miscellaneous—	
Insurance.....	1,500.00
	<hr/>
	\$23,500.00

Sub-division 50.

SCHOOL OF FORESTRY AT BOTTINEAU

Maintenance.....	\$35,000.00
Improvements and Repairs.....	2,027.00
Equipment.....	2,569.00
Miscellaneous.....	1,350.00
	<hr/>
	\$40,946.00

Sub-division 51.

DICKINSON NORMAL SCHOOL

Maintenance.....	\$20,000.00
Water and Sewer Mains.....	3,500.00
Plumbing and Wiring.....	9,000.00
New Buildings—	
Main Building.....	125,000.00
Central Heating Plant.....	15,000.00
Equipment—	
Furniture and Fixtures for Main Building.....	3,500.00
Library Equipment and Books.....	2,500.00
Laboratory Equipment.....	2,500.00
	<hr/>
	\$181,000.00

Sub-division 52.

COUNTY AGRICULTURAL AND TRAINING SCHOOLS AT MADDOCK
AND PARK RIVER

The sum of \$5,000 is annually appropriated to each of the county agricultural and training schools located at Maddock and Park River, which were established in accordance with Sections 1455 and 1456 of the Compiled Laws of 1913.....	\$20,000.00
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Sub-division 53.

STATE TRANSPORTATION OFFICER

There is hereby annually appropriated \$14,550 for the payment of the salary, traveling and other expenses, incurred by the State Transportation Officer, in the transportation of inmates to the hospital for insane at Jamestown; to the Reform School at Mandan and to the Penitentiary at Bismarck, divided as follows for the annual period:

Salary.....	\$1,800.00
Traveling Expenses of Officer and Assistants.....	12,500.00
Telegraph, telephone, postage, etc.....	250.00
For the purpose of carrying out the provisions of Chapter 245, Session Laws of 1915 during the Biennium.	\$29,100.00

Sub-division 54.

16TH LEGISLATIVE ASSEMBLY

There is appropriated for the payment of salaries, and mileage of members; per diem of officers and employees, printing and miscellaneous expenses and supplies for the 16th Legislative Assembly the following sums:

Mileage and Per Diem.....	\$57,000.00
Per Diem of Officers and Employees.....	26,000.00
Printing.....	30,000.00
Miscellaneous Expenses and Supplies.....	7,000.00
	<u>\$120,000.00</u>

Sub-division 55.

EXPENSE OF DISTRICT JUDGES WHEN CALLED TO SUPREME BENCH

An appropriation of \$500 is hereby made to provide funds for the payment of expenses of Judges of the District Court, who may be called to act in the place of Supreme Court Judges who are for any reason disqualified, and to provide funds for the payment of a bill filed by L. E. Birdzell for \$23.55, and bills filed but unpaid for want of funds amounting to \$127.65.....

500.00

Sub-division 56.

NORTH DAKOTA BUDGET BOARD

An appropriation is hereby made in the sum of \$2,000 to provide funds for the payment of per diem and other expenses of every kind to be incurred by the North Dakota Budget Board under the provisions of Chapter 61, Session Laws of 1915

\$2,000.00

Sub-division 57.

STATE AID TO RURAL, GRADED AND CONSOLIDATED SCHOOLS

There is hereby appropriated \$225,000.00 to provide state aid to rural, graded and consolidated schools as provided by sections 1440, 1441, 1442, 1443, 1445 and 1446 of the Compiled Laws for 1913.

Aid to Graded Schools annually.....	\$12,500.00	\$25,000.00
Aid to One Room Rural Schools annually.	40,000.00	80,000.00
Aid to Graded Consolidated Schools annually.....	60,000.00	120,000.00
		<u>\$225,000.00</u>

Sub-division 58.

SALARIES AND EXPENSES OF INSPECTORS OF RURAL, GRADED AND CONSOLIDATED SCHOOLS

The following sums, not to exceed the sums named per annum, are hereby appropriated to pay the salaries and necessary traveling expenses of the Inspectors of Rural, Graded and Consolidated Schools as more fully set out in Section 1444, Compiled Laws for 1913.

Salary of one Inspector.....	\$2,000 per annum	\$4,000.00
Traveling Expenses of Inspector not to exceed.....	1,500 per annum	3,000.00
		<u>\$7,000.00</u>

Sub-division 59.

SALARY AND EXPENSES OF STATE HIGH SCHOOL INSPECTOR

The following sums, not to exceed the sums named per annum, are hereby appropriated to pay the salary and necessary traveling expenses of the High School Inspector, as more fully explained in Section 1433, Compiled Laws for 1913.

Salary of High School Inspector.....	\$2,000 per annum	\$4,000.00
Traveling Expense of the High School Inspector not to exceed..	1,000 per annum	2,000.00
		<u>\$6,000.00</u>

Sub-division 60.

TEACHERS INSTITUTES

An appropriation of \$100 annually for each county in the state is hereby made to carry out the aid prescribed for such purposes in Section 1391 and 1395 of the Compiled Laws for 1913.....	\$10,600.00
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Sub-division 61.

STATE AID TO HIGH SCHOOLS

There is hereby appropriated for the purpose of providing State Aid to High Schools as authorized under Section 1430 and 1435 of the Compiled Laws for 1913, the total sum of..... \$170,000.00

Sub-division 62.

ADDITIONAL MAINTENANCE TO STATE EDUCATIONAL INSTITUTIONS
IN LIEU OF THE REPEALED MILL TAX

As provided by Chapter 34 of the Session Laws of 1915 there is hereby appropriated for the biennial period to the several state educational institutions the sums set forth hereafter, and such appropriations as aid to maintenance for each of the following named institutions shall be by the state auditor paid in twenty-four (24) equal monthly payments.

Agricultural College, Fargo.....	\$123,600.00
State University & School of Mines, Grand Forks.....	205,440.00
Valley City Normal School.....	92,400.00
Minot Normal School.....	83,160.00
Mayville Normal School.....	73,920.00
School for Deaf, Devil's Lake.....	36,960.00
School of Forestry, Bottineau.....	12,360.00
Normal Industrial School, Ellendale.....	43,200.00
School of Science, Wahpeton.....	24,720.00

\$695,760.00

§ 4. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] It is the intent hereby to enact an exclusive General Appropriation Bill to cover conclusively the subjects and items herein stated for the specific periods of time herein covered; and to repeal any and all acts or parts of acts that may be in conflict herewith, for the periods of time herein specified, and if for any reason or cause, any specific appropriation here for any item or set of items should be held by the court or the courts to be unconstitutional or illegal, or otherwise unavailable for any cause, such holding shall not affect or be construed to apply to the remaining items or appropriations herein, or purposes provided for herein.

§ 5. EMERGENCY.] This act is necessary for the immediate preservation of the public health and safety. The reason for this is that it contains the general appropriations and provides the means for continuing and maintaining the state government and for enabling it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people, and without the means provided by this Act, the functions of the state government will be suspended. This act will therefore, in its entirety, go into instant operation upon its approval by the Governor.

CHAPTER 25.

[H. B. No. 252—Committee on Appropriations.]

APPROPRIATION—GLANDERS AND DURINE INDEMNITY FUND.

An Act Making an Appropriation for the Glanders and Durine Indemnity Fund.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of thirty thousand dollars (\$30,000.00), or so much thereof as may be necessary to indemnify the owners of animals afflicted with the disease known as Glanders and Durine.

Approved March 15, 1917.

CHAPTER 26.

[H. B. No. 371—Walton.]

APPROPRIATION—GOVERNORS' CONFERENCE.

An Act Making an Appropriation to Enable the State of North Dakota to Pay its Pro Rata Share to Cover the Expenses of the Governors' Conference, for the Years 1917 and 1918.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Three Hundred Dollars (\$300.00) for the payment of the pro rata share of the State of North Dakota, for cost of maintaining the Governors' Conference, as follows, for the year 1917, \$150.00, for the year 1918, \$150.00.

Approved March 15, 1917.

CHAPTER 27.

[H. B. No. 206—Committee on Appropriations.]

APPROPRIATION—HOSPITAL FOR INSANE.

An Act Making an Appropriation for the Current and Contingent Expenses of the Hospital for the Insane, and for making Permanent Improvements and Additions Thereto.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:—

I file herewith House Bill No. 206, an Act making an appropriation for the Current and Contingent expenses of the Hospital

for the Insane, and for making permanent improvements and additions thereto, with my approval except as to the following items:

\$7,500 for repairs to corridor connecting buildings; \$10,000 placing heating and water tank in tunnel; \$1,000 for drives, walks and grounds improvement; \$1,000 for heating system for garden house; \$800 for two silos; all in Section 2.

\$500 for new hog house and \$200 for smoke house, both in Section 3.

\$250 for poultry house equipment; \$1,250 for fire hose and cart; \$1,400 for combination truck and passenger car; \$5,000 for elevator and medical equipment for new building, all in Section 4.

\$2,000 for purchase of pure-bred Holstein cows in Section 5.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,

Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated the following sum of money or so much thereof as may be necessary, out of any moneys in the state treasury not otherwise appropriated for the payment of the current and contingent expenses of the State Hospital for the Insane at Jamestown, and for making permanent improvements and additions thereto, as follows:

1. Maintenance.
2. Improvements and Repairs.

Repair to corridors connecting buildings.....	\$ 7,500.00
Placing heating and water tank in tunnel.....	10,000.00
Sewer main connections to new building.....	2,500.00
Drives, walks and grounds improved.....	1,000.00
Reinsulation phone switch board.....	600.00
Heating system for garden house.....	1,000.00
Two silos.....	800.00
Water and steam main system.....	2,500.00
Total Improvement and Repairs.....	\$25,900.00
3. New Buildings.

New hog house.....	\$ 500.00
Smoke house.....	200.00
Total New Buildings.....	\$ 700.00
4. Equipment.

Poultry house equipment.....	\$ 250.00
Fire hose and cart.....	1,250.00
Laundry equipment.....	2,500.00
Combination truck and passenger car.....	1,400.00
Library and hymn books.....	200.00

Elevator and medical equipment for new building.....	\$ 5,000.00
Furniture and general equipment.....	7,500.00
Steam tables for dining rooms.....	1,000.00
Kitchen equipment.....	600.00
Equipment for boiler house.....	600.00
Boiler feed pump.....	600.00
Miscellaneous supplies boiler and engine room.....	1,500.00
Electric lamps and supplies.....	1,500.00
Blacksmith supplies and material.....	1,000.00
Plumbing and steam fitting supplies.....	2,000.00
Total Equipment.....	\$26,900.00
5. Miscellaneous.	
For purchase of pure bred Holstein cows.....	\$ 2,000.00
Insurance.....	7,150.00
Total.....	\$ 9,150.00
Total maintenance, improvements and repairs, new buildings and equipment and miscellaneous.....	\$62,650.00

CHAPTER 28.

[H. B. No. 233—Committee on Appropriations.]

APPROPRIATIONS— INDEMNIFYING OWNER OF ANIMALS IN-
FECTED WITH BOVINE TUBERCULOSIS.An Act Appropriating Funds to Indemnify Owners of Animals Infected with
Bovine Tuberculosis.*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$30,000.00 for the biennium, 1917-1919, or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with bovine tuberculosis for the destruction of such animals as provided in Section 2699 to 2710 inclusive of the Compiled Laws of North Dakota for the year 1913, and amendments thereto.

Approved March 15, 1917.

CHAPTER 29.

[H. B. No. 217—Appropriations Committee.]

APPROPRIATION—INSTITUTION FEEBLE MINDED.

An Act Making Appropriations for the Current and Contingent Expenses of the Institution for the Feeble Minded at Grafton, and for Making Permanent Improvements and Additions Thereto.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 217, an Act making appropriations for the current and contingent expenses of the Institution for the Feeble Minded at Grafton, and for making permanent improvements and additions thereto, with my approval except as to the following items:

\$250 for new floor for Engine Room; \$2,500 for additional water supply, both in Section 2.

\$40,000 for Refectory building; \$250 for Hog house, both in Section 3.

\$500 for additional live stock, \$6,000 for 80 acres of land, both in Section 5.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,

Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATIONS.] That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of one hundred eight thousand one hundred dollars, or so much thereof as may be necessary for the purpose of current and contingent expenses of the institution for the feeble minded and for making permanent improvements and additions thereto as follows:

1. Maintenance.	
General.....	\$ 33,000.00
Coal.....	16,000.00
Total.....	\$ 49,000.00
2. Improvements and Repairs.	
Hot water tank.....	\$ 300.00
Steam mains, valves and connections.....	400.00
New valves for heating system.....	400.00
Motor for ventilating system.....	400.00
New floor in engine room.....	250.00
New exhaust head valves, etc.....	400.00
Painting water tower in tank.....	100.00

Cast iron down spouts on power house.....	\$ 100.00
Tanks and equipment for drinking water plant.....	200.00
Repairs for basement in main building.....	300.00
Plumbing repairs.....	1,500.00
Fencing and repairs to fences.....	100.00
Repairs to root cellar.....	250.00
Painting farm and institution buildings.....	1,000.00
Additional water supply.....	2,500.00
Total.....	\$ 8,200.00
3. New Buildings.	
Refectory building.....	\$ 40,000.00
Hog house.....	250.00
Total.....	\$ 40,250.00
4. Equipment.	
Dishwasher.....	\$ 450.00
Coffee Urn.....	250.00
Beds and Bedding.....	1,000.00
Farm machinery.....	150.00
Fire apparatus.....	500.00
Dairy barn equipment and cement floor.....	800.00
Total.....	\$ 3,150.00
5. Miscellaneous.	
Additional live stock.....	\$ 500.00
For eighty acres of land.....	6,000.00
Insurance.....	1,000.00
Total.....	\$ 7,500.00
Total for Maintenance, Improvements and Repairs, New Buildings, Equipment and Miscellaneous.....	\$108,100.00

CHAPTER 30.

[H. B. No. 253.—Committee on Appropriations.]

APPROPRIATION—INSURANCE TAX.

An Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of sixty thousand dollars (\$60,000.00), or so much thereof as may be necessary to comply with the provisions of Section 3993 and 3998 inclusive of the Compiled Laws of North Dakota for the year 1913 relating to the payment of premiums received upon policies issued upon property, to various fire departments.

Approved March 17, 1917.

CHAPTER 31.

[S. B. No. 132—Committee on Appropriations.]

APPROPRIATION—DR. E. F. LADD.

An Act to Reimburse Dr. E. F. Ladd, President of the Agricultural College of North Dakota for Expenses Incurred by him in his Defense of Legal Actions Brought against him by Certain Corporations in Connection with his Enforcement of the Pure Food Laws of the State.

WHEREAS, the action entitled, Calumet Baking Powder Company, a corporation, vs. Dr. Ladd, is now pending in the superior court of Cook County, Illinois, and is a libel suit for damages in the sum of one hundred thousand dollars, and

WHEREAS, the State of North Dakota should staunchly support Dr. Ladd in the enforcement of the pure food laws, therefore,

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Six Hundred Dollars, or so much thereof as may be necessary to reimburse, and to assist, Dr. E. F. Ladd, President of the North Dakota Agricultural College for expenses incurred in defense of suits brought against him by corporations on account of his enforcement of the pure food laws of North Dakota.

Approved, March 7, 1917.

CHAPTER 32.

[S. B. No. 170—Senate Appropriations Committee.]

APPROPRIATION—MAINTENANCE NORTH DAKOTA HISTORICAL PARK.

An Act Authorizing the North Dakota Historical Society to Take Charge of, and Care for the Maintenance of North Dakota Historical Parks located at Pembina, Fort Abercrombie, Walhalla, and Fort Rice; and Appropriating the sum of \$500.00 to Provide Funds for the Proper Maintenance of the Same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. HISTORICAL SOCIETY SHALL HAVE CHARGE OF NORTH DAKOTA HISTORICAL PARKS.] The North Dakota Historical Society shall have charge of North Dakota Historical parks.

§ 2. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$500.00, or so much thereof as may be necessary, to provide funds for the maintenance of North Dakota historical parks at Pembina, Fort Abercrombie, Walhalla and Fort Rice.

Approved March 15, 1917.

CHAPTER 33.

[H. B. No. 55—Stair.]

APPROPRIATION—MAKING STUDIES AND INVESTIGATIONS WITH CEREALS.

An Act to Appropriate Money to the Agricultural College for the Purpose of Making Studies and Investigations with Cereals and to be Used for other Purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION, USES FOR.] There is hereby appropriated to the North Dakota Agricultural College, to be used under the direction of the president of the College, the sum of Five Thousand Dollars, to be used during the present biennium in the study of wheats and cereal feed products made from grain, in the marketing of grain, in milling tests, in the installing of machinery and apparatus for the manufacture of food products to be made from cereals, in determining the cost of producing and marketing the same, and for the purpose of publishing information as bulletins for the benefit of the people of the state so as to inform them as to the relative food value of the many products produced from cereals as articles of food.

Approved March 15, 1917.

CHAPTER 34.

[S. B. No. 156—Appropriations Committee.]

APPROPRIATION—MAYVILLE NORMAL SCHOOL.

An Act to Appropriate \$50,000.00 Out of the Accumulated Funds of the State Normal School at Mayville, Either Accumulated or to be Accumulated, which may Under the Law be Available, which sum (in addition to Any Other Appropriation named in the General Appropriations Bill), Shall be Used in the Construction, Equipment and Furnishing of a New Dormitory; and Authorizing, Empowering and Directing the State Board of Regents to Expend from any Accumulated Funds of the State Normal School at Mayville, Either Accumulated or to be Accumulated, not to Exceed such an Amount from Accumulated Funds that may Under the Law be Available for the Purpose of Erecting, Equipping and Furnishing a New Dormitory at the Mayville Normal School.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of the accumulated funds of the State Normal School at Mayville, a sum not to exceed \$50,000.00, or so much thereof as may be necessary (in addition to any other appropriation named in the general appropriations bill), out of the accumulated funds of the

State Normal School at Mayville, either accumulated or to be accumulated, available under the law, which said sum of \$50,000.00 (together with any other appropriation appropriated from the general fund of North Dakota under the general appropriations bill), shall completely construct, equip and furnish a new dormitory at the State Normal School at Mayville.

§ 2. STATE BOARD OF REGENTS AUTHORIZED AND EMPOWERED AND DIRECTED TO EXPEND SUCH APPROPRIATION.] The State board of regents is hereby authorized, empowered and directed to expend from the accumulated funds of the State Normal School at Mayville, either accumulated or to be accumulated and available for this purpose, the sum of \$50,000.00 (in addition to any other appropriation named in the general appropriations bill) which appropriation shall completely construct, equip and furnish a new dormitory at the State Normal School at Mayville.

Approved March 15, 1917.

CHAPTER 35.

[S. B. No. 177—Appropriations Committee.]

APPROPRIATION—MISSOURI SLOPE AGRICULTURAL AND FAIR ASSOCIATION.

An Act to appropriate \$5,000.00 to the Missouri Slope Agricultural and Fair Association at Mandan for the Fairs to be held in 1918 and 1919, as Authorized by Sections 1860 to 1866, both inclusive, of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated the sum of \$5,000.00, out of any not otherwise appropriated funds in the state treasury, for the Missouri Slope Agriculture and Fair Association at Mandan; of this appropriation \$2,500.00 shall be available for a fair to be held in 1918, and \$2,500.00 shall be available for a fair to be held in 1919, as authorized by Sections 1860 and 1866, both inclusive, of the Compiled Laws of 1913 for North Dakota.

Approved March 15, 1917.

CHAPTER 36.

[S. B. No. 166—Senate Appropriations Committee.]

APPROPRIATION—NATIONAL GUARD.

An Act to appropriate \$85,000.00 to Provide Funds for the Maintenance of the North Dakota National Guard, or State Militia, as Provided for Under

Chapter 35 of the Compiled Laws of 1913 for North Dakota, and to Meet Other Requirements Prescribed by the Federal Statutes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$85,000.00 or so much thereof as may be necessary to provide proper maintenance for the North Dakota National Guard, or State Militia, as prescribed in Chapter 35 of the Compiled Laws of 1913 for North Dakota, and to meet other requirements prescribed by the Federal Statutes.

Approved March 15, 1917.

CHAPTER 37.

[S. B. No. 184—Senate Appropriations Committee.]

NORTH DAKOTA ANTI-TUBERCULOSIS ASSOCIATION.

An Act to appropriate \$5,000.00 to Aid in the Educational Work Being Carried on by the North Dakota Anti-Tuberculosis Association, and the Prevention of the Spread of Tuberculosis, more Definitely Prescribed in Chapter 7 of the Session Laws of North Dakota for 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$5,000.00, or so much thereof as may be necessary to aid in the educational work now being carried on by the Anti-Tuberculosis Association, and to aid in the prevention of the spread of tuberculosis as prescribed by Chapter 7 of the Session Laws of North Dakota for 1915.

Approved March 1, 1917.

CHAPTER 38.

[H. B. No. 327—Committee on Appropriations.]

APPROPRIATION—NORTH DAKOTA DAIRYMEN'S ASSOCIATION.

Appropriating Money for the Benefit of the North Dakota Dairymen's Association for the purpose of Promoting and Encouraging the Dairying Interests of the State.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] The sum of Five Hundred Dollars (\$500.00) is hereby appropriated annually out of any moneys in the State Treasury not otherwise appropriated, for the use and benefit of the North Dakota Dairymen's Association.

§ 2.] Said Association shall publish an annual report of its

proceedings, together with such information as may be of general interest to its members, and generally promote the dairying interests of the state.

§ 3] The appropriation herein mentioned shall be expended under the direction of the Commissioner of Agriculture, who shall publish and distribute information furnished by the said North Dakota Dairymen's Association, and a statement of the expenditure of the funds furnished under this appropriation to be filed each year by said association with the commissioner of agriculture.

Approved March 15, 1917.

CHAPTER 39.

[H. B. No. 213—Committee on Appropriations.]

APPROPRIATION—NORTH DAKOTA FIREMEN'S ASSOCIATION.

An Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association for the Purpose of Promoting the Efficiency and Growth of its Different Departments, and the Holding of an Annual Tournament, According to the Rules and Regulations of such Association.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of three thousand dollars, or so much thereof as may be necessary for the use and benefit of the North Dakota Firemen's Association for the purpose of promoting the efficiency and growth of its different departments, and for the holding of an annual tournament, according to the rules and regulations of such association, as provided by Sections 1839 and 1842 inclusive of the Compiled Laws of the State of North Dakota for the year 1913.

Approved March 17, 1917.

CHAPTER 40.

[S. B. No. 169—Appropriations Committee.]

APPROPRIATION—NORTH DAKOTA LIVE STOCK ASSOCIATION.

An Act to appropriate \$1,000.00 for the Payment of the Expenses to be Incurred by the North Dakota Live Stock Association as Prescribed by Section 2786 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,000.00 or so much thereof as may be necessary to pay the

expenses of the North Dakota Live Stock Association authorized under Section 2786 of the Compiled Laws of 1913 for North Dakota.
Approved March 15, 1917.

CHAPTER 41.

[H. B. No. 218—Committee on Appropriations.]

APPROPRIATION—NORTH DAKOTA TUBERCULOSIS
SANITARIUM.

An Act Making an Appropriation for the Maintenance, Improvements and Repairs; New Buildings, Equipment and Permanent Additions thereto, for the North Dakota Tuberculosis Sanitarium, at Dunseith.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 218, an Act making an appropriation for the maintenance, improvements and repairs; new buildings, equipment and permanent additions thereto, for the North Dakota Tuberculosis Sanitarium, at Dunseith, with my approval except as to the following items:

\$800 for fencing lands; \$500 for improvements on roads and grounds; \$500 for new walks; all in Section 2.

\$300 for poultry fence and equipment; \$500 for local telephone system, both in Section 4.

\$440 for 40 acres of land; \$750 for purchase of dairy cows, both in Section 5.

These items are vetoed for the reason that the appropriation of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$90,640, or so much thereof as may be necessary for the maintenance, improvements, new buildings, equipment and additions to the State Tuberculosis Sanitarium located at Dunseith, North Dakota, as follows:

1. Maintenance.

General.....	\$ 45,000.00
Coal.....	5,000.00
Deficiency to July 1, 1917.....	15,000.00

Total Maintenance.....\$ 65,000.00

2.	Improvements and Repairs.		
	Extension of steam mains.....	\$	2,500.00
	Extension of water supplies.....		1,500.00
	Repairs and changes in administration building.....		1,000.00
	Fencing lands.....		800.00
	Improvements on roads and grounds.....		500.00
	Repairs and remodeling engine room.....		2,000.00
	Repairs to old frame cottage.....		250.00
	New walks.....		500.00
	Improvements and repairs, total.....	\$	9,050.00
3.	New Buildings.		
	Milk house.....	\$	500.00
	Water softening plant and laundry equipment.....		1,300.00
	Total new buildings.....	\$	1,800.00
4.	Equipment.		
	Fire fighting equipment.....	\$	750.00
	Pumping machinery for water supplies.....		1,000.00
	Kitchen equipment.....		750.00
	Office supplies and equipment.....		350.00
	Poultry fence and equipment.....		300.00
	Electric cable to the new buildings.....		375.00
	Local telephone system.....		500.00
	New engine and generator.....		5,000.00
	Lockers for employes' and inmates' clothing.....		150.00
	Farm machinery and ensilage cutter motor.....		400.00
	Furniture, bedding and general equipment.....		2,500.00
	Emergency surgical operating equipment.....		500.00
	Total for equipment.....	\$	12,575.00
5.	Miscellaneous.		
	40 acres of land.....	\$	440.00
	Purchase of dairy cows.....		750.00
	Insurance.....		1,500.00
	Total Miscellaneous.....	\$	2,690.00
	Total for maintenance, improvements and repairs, new buildings, equipment and miscellaneous.....	\$	91,115.00

CHAPTER 42.

[H. B. No. 207—Committee on Appropriations.]

APPROPRIATIONS—PENITENTIARY.

An Act Making Appropriations for the Current and Contingent Expenses of the State Penitentiary and for Making of Permanent Improvements and Additions Thereto.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:—

I file herewith House Bill No. 207, an Act making appropriations for the current and contingent expenses of the State Penitentiary and for making of permanent improvements and additions thereto, with my approval except as to the following items:

\$400 for prison congress expenses; \$150 for cistern in Warden's residence; \$1,000.00 for new gates and repair of wall; \$1,500 for road and sidewalk, etc.; \$7,500 for dairy barn, etc.; \$1,500 for granary and corn crib; \$500 for wood working shop; \$800 for two silos; \$500 for motor car switch; \$300 for concrete mixer; \$8,165 for part purchase of land and \$1,742.00 for interest on purchase of land.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Respectfully yours,

LYNN J. FRAZIER,

Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated the following sum of money, or so much thereof as may be necessary out of any moneys in the state treasury, not otherwise appropriated for the payment of current and contingent expenses of the state penitentiary and for the making of permanent improvements and additions thereto:

1. Maintenance.

Deficit, to July 1st, 1917.....	\$ 25,500.00
Salary and wages.....	27,660.00
Guards and employes.....	40,000.00
General Maintenance.....	60,000.00
Coal and electric supplies.....	20,000.00
Water.....	3,600.00
Clothing for inmates.....	10,000.00
Uniform for guards.....	1,800.00
Transportation and clothing for discharged inmates.....	8,000.00
Drugs and medicine.....	1,200.00
Emergency major surgical operation.....	1,000.00
Surgical instruments.....	200.00
Amusements and school library.....	2,000.00

Prison Congress expenses.....	\$ 400.00
Warden expenses.....	1,000.00
Total Maintenance.....	\$202,360.00
2. Improvements and Repairs.	
Cistern Warden's residence.....	\$ 150.00
Painting.....	1,000.00
New roof, hospital building.....	600.00
New sash for old cell block.....	1,000.00
New gates and repair to wall.....	1,000.00
New roofs for yard house and sky-light, lighting system for walls.....	775.00
Changing heating system, vacuum system to extension heating system to new building, new steam mains for hot conduit and new hot water heaters.	2,600.00
Water pipe line from brick yard to penitentiary and erection of hot water tank and tower.....	1,500.00
Road and sidewalk, material and machinery and fencing, wire, posts.....	1,500.00
General repairs.....	4,000.00
Total Improvements and Repairs.....	\$ 14,125.00
3. New Buildings.	
Dairy barn milk house and equipment.....	\$ 7,500.00
Granary and corn crib.....	1,500.00
Wood working shop.....	500.00
Two silos.....	800.00
Brick guard tower.....	1,000.00
Root cellar.....	2,500.00
Total new buildings.....	\$ 12,800.00
4. Equipment.	
Beds and bedding.....	\$ 2,400.00
Books, stationery and office supplies.....	2,500.00
New laundry equipment.....	3,000.00
Motor driven car switch winch.....	500.00
Kitchen equipment, dish washer, and sterilizer.....	2,100.00
Fire hose.....	500.00
Brick yards conveyors, sheds and boilers.....	250.00
Farm equipment and machinery.....	2,000.00
Concrete mixer.....	300.00
Total Equipment.....	\$ 13,550.00
5. Miscellaneous.	
Telephone, telegrams, equipment for identification, department, circulars, mailing and hand cuffs, etc.....	\$ 3,000.00
Rent on cultivated lands (hay).....	2,500.00
Insurance.....	4,000.00
Total.....	\$ 9,500.00

6. Purchase of Lands.

One third of the purchase price of 426 acres of land known as the west two-thirds of Section One (1) Township One Hundred Thirty-eight (138), Range Eighty (80), at \$50.00 per acre, and interest at 6% per annum for the years 1917 and 1918. \$ 8,165.00

Interest on purchase price of 145.19 acres of land, known as the Northwest Quarter of Section Two (2), Township One Hundred and Thirty-eight (138), Range Eighty (80), less the rights of way of the Northern Pacific Railway Company and the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, at \$100.00 per acre, payable on or before July 1, 1923, at 6% per annum, for the years 1918 and 1919. \$ 1,742.00

Total for the Purchase of Lands. \$ 9,907.00

Total for maintenance, improvements and repairs, new buildings and equipment, miscellaneous and purchase of lands. \$263,242.00

§ 2. EMERGENCY.] Whereas, it was impossible to properly maintain the State Penitentiary from January 1st, 1917 until March 20th, 1917, on the funds appropriated by the Fourteenth Legislative Assembly, and it is necessary for the public peace, health and safety that suitable funds be provided at once. Therefore, that portion of this Act making appropriation of \$25,500.00 for deficit to July 1st, 1917, shall go into instant operation upon its passage and approval by the governor.

CHAPTER 43.

[S. B. No. 185—Senate Appropriations Committee.]

APPROPRIATION—PREVENTION CRUELTY TO ANIMALS.

An Act to appropriate \$1,000.00 to Provide Funds for the Enforcement of the Prevention of Cruelty to Animals Laws under Sections 2670 and 2671 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,000.00, or so much thereof as may be necessary to enforce the laws pertaining to the prevention of cruelty to animals as prescribed by sections 2670 and 2671 of the Compiled Laws of 1913 for North Dakota.

Approved March 15, 1917.

CHAPTER 44.

[H. B. No. 224—Committee on Appropriations.]

APPROPRIATION—PUBLIC PRINTING.

An Act Making Appropriation for Public Printing.

PARTIAL VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 224, an Act making appropriation for public printing, with my approval except the provision of \$1,500 for printing of Compiled Laws and \$10,000 for printing of Blue Books.

I disapprove of these items for the reason that it does not seem necessary to have them, and for further reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,

Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$36,611.45 or so much thereof as may be necessary for the purpose of public printing, as follows:

Compiled Laws.....	\$ 1,500.00
North Dakota Law Reports.....	5,000.00
Deficiency for printing North Dakota Law Reports.....	400.00
Legal Notices.....	400.00
Publishing Abstract of Votes.....	1,500.00
Deficiency for publishing abstract of vote for year 1916....	311.45
Miscellaneous reports and state institutions reports, not otherwise provided for.....	2,000.00
Publishing Constitutional Amendment and Publicity pamphlet.....	10,000.00
Sample Ballots.....	2,500.00
Blue Books.....	10,000.00
Public documents, 1916.....	1,500.00
Authenticated Edition Session laws 1917.....	1,500.00
Total.....	\$36,611.45

CHAPTER 45.
[S. B. No. 140—King.]

APPROPRIATION—REFURNISHING AND REDECORATING
SENATE CHAMBER.

Providing for the Repairing, Refurnishing and Re-decorating of the Senate Chamber of the State Capitol Building and Making an Appropriation Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of thirty-five hundred dollars (\$3,500.00), or so much thereof as may be necessary, to be expended under the direction of the State Board of Control, for the purpose of repairing the windows, desks and rostrum of the Senate Chamber in the State Capitol Building and for the purpose of providing a new carpet and new window shades for said Senate Chamber and for the purpose of re-decorating the same.

Approved March 15, 1917.

CHAPTER 46.
[H. B. No. 234—Committee on Appropriations.]

APPROPRIATION—SCHOOL FOR DEAF.

An Act Making an Appropriation for the Current and Contingent Expenses of the School for the Deaf at Devils Lake, and Making Permanent Improvements and Additions Thereto.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:—

I file herewith House Bill No. 234, an Act making an appropriation for the current and contingent expenses of the School for the Deaf at Devils Lake, and making permanent improvements and additions thereto, with my approval except as to the following items:

\$1,000 for repairs to new building; \$500 for cement walks and care of grounds, both in Section 1.

\$300 for machine shed; \$300 for hog house in Section 2.

\$600 for Dairy barn equipment in Section 3.

\$7,000 for Purchasing Real Estate and Perfecting Water Supply in Section 4.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$17,050.00,

sum of \$1,500.00 or so much thereof as may be necessary to pay the expenses of the State Board of Veterinary Medical Examiners as authorized under Sections 2711 to 2720, both inclusive, of the Compiled Laws of 1913 for North Dakota.

Approved March 15, 1917.

CHAPTER 50.

[H. B. No. 231—Committee on Appropriations.]

APPROPRIATION—STATE CAPITOL.

An Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Repairs and Equipment Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$54,950.00 or so much thereof as may be necessary for the maintenance, improvement, repair and equipment of the State Capitol Building as follows:

1. Maintenance.

Salary of janitors, engineer, fireman, including regular employees at the Capitol and executive mansion	\$27,000.00
Day labor necessary for grading, work on trolley line, and all work not covered by salary appropriation.....	1,000.00
Coal for Capitol, power house and executive mansion to be used for all heating, lighting and power purposes.....	11,000.00

2. Improvements and Repairs.

State Trolley Line, replacing and laying ties, repair of line, car and motor.....	1,500.00
Painting cornice and wood-work and repairing cornice.....	600.00
Painting brick work around windows, cementing brick arches.....	300.00
Painting roof of power house with asphalt, roofing and repairs to boiler setting.....	150.00
General repairs to power house and equipment.....	500.00
Maintenance of ground, walks and road.....	400.00
Repairs, materials, lumber, cement and general repairs and upkeep of state buildings.....	4,000.00
Painting walls of rotunda, Senate Chamber and ante-room.....	900.00
Repairs to plaster throughout building.....	600.00
Painting Senate Committee rooms and offices of Attorney General.....	250.00
Kalsomining walls on ground floor.....	400.00

Finishing room adjacent to historical rooms for use of Historical Society.....	\$ 250.00
3. Miscellaneous.	
Insurance on Capitol Building, executive mansion and contents.....	6,100.00
Total.....	\$ 54,950.00
Approved March 15, 1917.	

CHAPTER 51.

[S. B. No. 164—Appropriations Committee.]

APPROPRIATION—STATE FAIR.

An Act to appropriate Funds to Provide for the General Maintenance, and the Payment of Premiums, at the North Dakota State Fair at Grand Forks in 1917, and at the North Dakota State Fair at Fargo in 1918, as Provided for in Sections 1847 to 1859 of the Compiled Laws of 1913 for North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$30,000.00 to provide general maintenance and funds for the payment of premiums at the North Dakota State Fair at Grand Forks in 1917, and at the North Dakota State Fair at Fargo in 1918, as provided for in section 1847 to 1859 of the Compiled Laws of 1913 for North Dakota, and shown in further detail following:

For the North Dakota State Fair at Grand Forks in 1917:

General Maintenance.....	\$ 5,000.00
For Premiums.....	10,000.00

For the North Dakota State Fair at Fargo in 1918:

General Maintenance.....	\$ 5,000.00
For Premiums.....	10,000.00

Approved March 15, 1917.

CHAPTER 52.

[H. B. No. 241—Committee on Appropriations.]

APPROPRIATION—STATE REFORM SCHOOL.

An Act Making an Appropriation for the Current and Contingent Expenses of the State Reform School at Mandan, North Dakota, and for Making Permanent Improvements and Additions Thereto.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 241, an Act making an appropriation for the current and contingent expenses of the State Reform School at Mandan, North Dakota, and for making perma-

nent improvements and additions thereto, with my approval except as to the following items:

\$500 for ice house; \$600 addition to poultry house; \$500 addition to hog house; \$800 changing horse barn to granary and store-room; \$900 for fencing land, all in Section 2.

\$3,500 for dairy barn and silo and for changing present barn; \$4,500 for Superintendent's residence; \$600 for slaughter house and equipment; \$1,000 for garden house; \$500 for machinery house, all in Section 3.

These items are vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of Seventy-seven Thousand one hundred dollars, or so much thereof as may be necessary for the current and contingent expenses of the State Reform School at Mandan, North Dakota, and for making permanent improvements and additions thereto as follows:

1. Maintenance.	
General.....	\$25,000.00
Coal.....	5,000.00
Medical attendance for inmates.....	800.00
Deficit to July 1st, 1917.....	10,150.00
Total.....	\$40,950.00
2. Improvements and Repairs.	
Repairs to administration building.....	\$ 2,500.00
Machinery and repairs to power house.....	1,500.00
Ice house.....	500.00
Finishing third floor of girls' building.....	4,000.00
Plumbing repairs.....	2,000.00
Addition to poultry house.....	600.00
Addition to hog house.....	500.00
Changing horse barn to granary and store room.....	800.00
Interior and exterior painting.....	1,000.00
Fencing lands.....	900.00
Water supply for girls building.....	250.00
Repairs to steam pipe system.....	2,000.00
Fire escapes.....	800.00
Repairs to sewerage system.....	200.00
Total.....	\$17,550.00
3. New Buildings.	
Sewerage disposal plant.....	\$ 1,500.00
Dairy barn and silo and for changing present barn....	3,500.00
Superintendent's residence.....	4,500.00

Slaughter house and equipment.....	\$ 600.00
Garden house.....	1,000.00
Sidewalks.....	450.00
Machinery house.....	500.00
Total.....	\$12,050.00
4. Equipment.	
Equipment for industrial training.....	\$ 600.00
Laundry equipment.....	1,000.00
Tailor shop equipment.....	250.00
Office equipment and supplies.....	500.00
Farm and garden tools and wagons.....	500.00
School equipment and books.....	400.00
Girls' Building, athletic equipment.....	400.00
Boys' building, athletic equipment.....	200.00
Total.....	\$ 3,850.00
5. Miscellaneous.	
For the purchase of fourteen acres of land.....	\$ 1,700.00
Lectures and religious services.....	300.00
Insurance.....	700.00
Total.....	\$ 2,700.00
Total for Maintenance, Improvements and Repairs, New Buildings, Equipment and Miscellaneous.....	\$77,100.00

§ 2. EMERGENCY.] Whereas, it will be impossible to properly maintain the State Reform School until July 1, 1917, on the funds appropriated by the Fourteenth Legislative Assembly, and it is necessary for the public peace, health and safety, that suitable funds be provided at once, therefore, that portion of this Act making appropriation of \$10,150.00 deficit to July 1, 1917, shall go into instant operation upon its approval by the Governor.

CHAPTER 53.

[H. B. No. 348—Committee on Appropriations.]

APPROPRIATION—STATE TUBERCULOSIS SANITARIUM.

An Act Making Appropriations to Cover Necessary Expenses for Maintaining the State Tuberculosis Sanitarium to July 1, 1917.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

There is hereby appropriated out of the moneys in the state treasury, not otherwise appropriated, the sum of \$2,500.00 or so much thereof as may be necessary for the purpose of providing for the lack of sufficient appropriation to maintain the State Tuberculosis Sanitarium until July 1, 1917.

EMERGENCY.] This act is necessary for the immediate preservation of the public peace, health, and safety. The reason for this being that the high cost of all commodities has proven the appropriation, made for the maintenance of said institution by the Fourteenth Legislative Assembly, insufficient to properly maintain it for the full biennial period. This act will, therefore, go into instant operation upon its approval by the Governor.

Approved March 3, 1917.

CHAPTER 54.

[H. B. No. 292—Committee on Appropriations.]

APPROPRIATION—TRUSTEES LIVE STOCK SANITARY BOARD.

An Act Making an Appropriation to Provide for Compensation and Expenses of the Board of Trustees of the State Live Stock Sanitary Board.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] That there is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$1,000, or so much thereof as may be necessary to provide for the compensation and expenses of the members of the Board of Trustees of the Live Stock Sanitary Board as provided in Section 2681 of the Compiled Laws of North Dakota for the year 1913.

Approved March 15, 1917.

CHAPTER 55.

[H. B. No. 223—Committee on Appropriations.]

APPROPRIATION—TRUSTEES SCHOOL OF FORESTRY.

An Act Making an Appropriation for the Purpose of Paying Out-standing Bills for Expenses of Trustees of School of Forestry.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$13.40 or so much thereof as may be necessary, for the purpose of paying unpaid and out-standing bills for expenses incurred by trustees of the State School of Forestry, prior to July 1st, 1915.

Approved March 15, 1917.

CHAPTER 56.

[S. B. No. 314—Kirkeide and Drown.]

UNIFORM STATE GRADE FOR GRAIN.

An Act Creating a Uniform State Grade for Wheat, Oats, Barley, Flax and all other Grains, Seeds and Agricultural Products; Creating and Establishing the Office of State Inspector of Grades, Weights and Measures and Providing for State Aid for Marketing Facilities and the Establishment of State-owned Marketing Places and Providing for Inspection of Licensed Warehouses by Competent Accountants, and Expert Grainmen, and Authorizing the Employment of such Accountants, and Making an Appropriation Therefor; and Providing Penalties for the Violation of any of the Provisions of this Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

The Commissioners of Railroads, of North Dakota, shall appoint a member of the faculty of the North Dakota Agricultural College (who shall be an expert in the grading and weighing of all kinds of grain, seeds, and other agricultural products) to be the State Inspector of Grades, Weights and Measures and shall receive in addition to his other compensation the sum of \$1,000 per annum. It shall be the duty of said Inspector to proceed at once to define and establish proper grades and weights for grain, seeds and other agricultural products, also for flour meal and products made therefrom, which grades and weights shall be approved by the Commissioners of Railroads.

The Commissioners of Railroads shall authorize the employment of such clerical help as is necessary for carrying out the provisions of this Act, and determine the compensation to be paid for such service.

The State Inspector of Grades, Weights and Measures shall cause said formula or scale of grades, weights and measures to be published in not more than five newspapers of general circulation in the State of North Dakota, two of which shall be devoted to the benefits of agriculture and three shall be papers of general circulation.

The said standards of grades shall be published each year not later than August first.

The State Inspector of Grades, Weights and Measures shall have power to appoint skilled and competent deputies who shall be stationed at any town or place where grain, seed and other agricultural products are marketed; provided that the town or community where such deputy is stationed shall at their own expense provide a suitable building and scales for housing said deputy, the upkeep of said building and scales shall be borne by the State out of funds secured on account of fees collected for inspecting and weighing.

It shall be the duty of the deputy to weigh, inspect and grade all grain, seeds and produce that shall be offered for sale at said market place, and to issue a signed certificate stating the kind,

grade and weight of such grain, seeds or produce, also the amount of dockage, if any, and such other facts as he may find relative to its condition. It shall also be the duty of said deputy to accurately sample and grade carload shipments destined for some central market either within or outside the State, and to make and attach a signed inspection certificate to a sealed package containing the sample, and forward same to a deputy in charge of said central market.

The Railroad Commissioners shall appoint such number of inspectors of public warehouses as may be necessary who shall be men of expert and practical knowledge of the grain business; who shall visit the public warehouses in the state for the purpose of ascertaining whether a sufficient bond is in force to protect the holders of storage tickets for grain stored therein; whether such institution is amply protected by insurance; to advise with local managers and board of directors as to proper methods of accounting; to assist local warehousemen in making proper reports, and to enforce the rendering of annual or other reports required by the Railroad Commissioners; to see that all laws as regards public warehouses are complied with, and, to advise and assist local warehousemen in any way that will make for efficiency and for the safety of the grain marketing business of the state. Should such inspectors find any condition prevailing in any public warehouse that would impair the safety of such institution, they shall report same to the Board of Railroad Commissioners and to the local board of directors of the institution in question. Failure to remedy such condition will empower the Board of Railroad Commissioners to suspend the license of such warehouse, or in extreme cases, if after full notice, and reasonable time being allowed to comply with the instructions of the Board of Railroad Commissioners such local warehouse refuses to remedy said complaint; the Board of Railroad Commissioners may cancel the license of such warehouse.

The Commissioners of Railroads may establish as they see fit central markets for the display of samples of grain, seeds and other agricultural products, and may install a deputy in charge of said central markets at the cities of Duluth, St. Paul and Minneapolis, in the State of Minnesota, also Superior, Wisconsin, Fargo, Fairmont, Wahpeton, and Grand Forks, North Dakota, and such other stations as in the judgment of the Commissioners of Railroads shall be necessary to provide adequate marketing facilities; that said markets shall be open to any and all persons desiring to buy or sell on said market, and that the charges for said services shall be fixed and determined by said Commissioners of Railroads. They shall also establish uniform fees for grading, weighing, inspecting and selling. All of said fees so collected shall be paid into the treasury of the State of North Dakota. They shall also fix the salary or compensation to be paid to deputies and employees. They shall also provide a system of bonding said deputies and other employees. They shall also require that any and all persons

purchasing or receiving grain on consignment at central market shall give an indemnity bond in a sufficient sum to fully protect the seller against fraud or loss. They shall also formulate rules and regulations governing the conduct of all public warehouses where grain, seed and other agricultural produce is bought, sold or received for storage, and such warehouses shall be bonded in a sum sufficient to amply protect all persons transacting business with them against loss.

Said State Inspector of Grades, Weights and Measures may with the approval of the Commissioners of Railroads, license as deputy inspector the buyer or agent of a privately owned warehouse, provided that said deputy inspector shall pass such examination as to competency as may be prescribed, and give a bond in a sufficient amount, as required according to regulations prescribed by the State Inspector of Grades, Weights and Measures.

All licenses issued to deputy inspectors in private warehouses shall be for the term of one year.

The conditions of such licenses shall require the holders thereof to well and truly fix grades and actual dockage of all grains inspected by them at their respective places of business and to correctly weigh the products so inspected and graded.

Each licensee shall cause his license to be posted in a permanent and conspicuous place at his regular place of business, and shall not be authorized to inspect, grade, or weigh grain at other places, except with the approval of the Commissioners of Railroads.

The Inspector of Grades, Weights and Measures, shall collect a fee of ten dollars (\$10.00) for each license issued. Licenses are subject to cancellation by the Commission for violation of rules or other good cause.

It shall be unlawful for any person operating a public warehouse to purchase, weigh, grade or inspect grain or seed who is not licensed as deputy inspector, provided that any person without a license may buy any article that has been graded, weighed and inspected by a deputy State Inspector of Grades, Weights and Measures.

The State Inspector of Grades, Weights and Measures shall receive all appeals from the decisions of all deputy inspectors under such rules as shall be approved by the Commissioners of Railroads for reinspection, and the State Inspector of Grades, Weights and Measures shall consider the flour and bread producing qualities where such final decision is necessary.

Any person violating any of the provisions of this Act shall be guilty of a misdemeanor and for the first offense shall pay a fine of not less than ten dollars and not more than one hundred dollars, or be confined in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment.

For each succeeding offense he shall pay a fine of not less than one hundred dollars, or more than five hundred dollars or be confined to the county jail not less than thirty days or more than ninety days, or both such fine and imprisonment.

There is hereby appropriated the sum of \$10,000.00 for the purpose of putting this law in force and effect, said appropriation to be known as the State Public Grain Grading and Weighing Fund, which sum shall be replenished and maintained by adding thereto all fees for licenses of Deputies and inspecting, weighing and grading, and all salaries or compensation of deputies and employees shall be paid out of this fund. The Commissioners of Railroads shall fix the fees for weighing, grading and inspecting and marketing at a sum sufficient to make the State grading, inspecting, weighing and marketing department self-sustaining, and in addition, to set aside 25 per cent of all fees collected to create a fund for building public grain storage warehouses within the state.

Approved March 15, 1917.

CHAPTER 57.

[H. B. No. 404—Marshall.]

APPROPRIATION—WHITE STONE BATTLEFIELD.

An Act Making an Appropriation for Certain Outstanding Indebtedness Incurred for the Improvement of White Stone Battle Field.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of One Hundred Dollars or so much thereof as may be necessary to pay certain outstanding indebtedness which has been incurred for the purpose of improving and taking care of White Stone Battle Field.

Approved March 15, 1917.

ARCHITECTURE

CHAPTER 58.

[S. B. No. 245—Rowe.]

ARCHITECTURE.

An Act Providing for the Registration of Licensed Architects and for Regulating the Practice of Architecture as a Profession in the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Governor of the State of North Dakota, shall immediately after the taking effect of this Act, appoint a State Board of Architecture, hereinafter designated the Board. The Board shall be composed of three architects, who shall have been in active practice as principals in the State of North Dakota for not less than three years previous to their appointment, and who are otherwise qualified to serve on the said Board.

§ 2. One of the members of said Board shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. Such term of office to start from the date of the approval of this Act.

§ 3. Upon the expiration of the term of each member of said Board the Governor shall appoint a successor for a term of six years, each member shall hold over after the expiration of his term until his successor shall have been appointed and qualified.

§ 4. Any vacancy occurring in the membership of the Board shall be filled by the Governor for the unexpired term of such membership.

§ 5. The governor shall have the right to remove any of the members of said Board for inefficiency, or neglect of duty.

§ 6. The Board shall adopt rules and regulations to govern its proceedings, for the examination of candidates for registration, and for the regulation of the practice of architecture not inconsistent with this act, or the laws of North Dakota, and may amend, modify and repeal such rules and regulations from time to time.

§ 7. The Board shall hold its first meeting within thirty days after its members are appointed and thereafter shall hold regular meetings on the first Mondays of April and October of each year, and shall hold special meetings between said regular meetings at their discretion.

§ 8. The Board shall, in accordance with the provisions of this act, examine into the qualifications of, register and issue certificates of registration to those desiring to use the title of architect or to practice as architect in the State of North Dakota, and who have met the requirements of the Board according to the provisions of this act.

§ 9. The Secretary of the Board shall receive such salary as shall be fixed by the Board of resolution adopted by it at a regular meeting and shall also receive such traveling, hotel and other expenses as are legitimately incurred in the performance of his official duties.

§ 10. The other members of the Board shall receive the sum of Five Dollars (\$5.00) per day for the time actually engaged in the meetings of said Board, in traveling to and from said meetings, and all legitimate and necessary traveling and hotel expenses incurred in attending such meetings.

§ 11. Expenses of the Board and its officers shall at no time exceed the amount of moneys received and on deposit to the credit of the Board under the workings of this act.

§ 12. All moneys and fees collected or received by this Board under this act shall be deposited with the State Treasurer quarterly to be held by him for all legitimate expenses of the Board in carrying out the provisions of this Act.

§ 13. All moneys received by the State Treasurer under the provisions of this act shall be kept in a separate fund continued from year to year to be drawn against only for the expenses of the Board.

The Auditor and Treasurer of the State of North Dakota are hereby directed to disburse the money received under the provisions of this act, as herein provided.

§ 14. All moneys paid out by the Board shall be through the State Treasurer on properly drawn vouchers, signed by the president and secretary of said Board.

§ 15. No person shall begin to use the title "Licensed Architect" or any variation of the same, or any other words, letters or device to indicate that the person using the same is a licensed architect, after the approval of this act, without being registered as an architect, in accordance with the provisions of this act.

§ 16. Nothing contained in this act shall be construed to prevent any person from making plans or specifications for, or supervising the erection, enlargement, or alteration of any building that is to be constructed by himself.

§ 17. Nor shall anything in this act be construed to prevent any employee of an architect from acting under his employer's instructions, control, and supervision in preparing plans and specifications for the erection, enlargement or alteration of buildings.

§ 18. Any person of legal age and of good moral character, upon the payment of a fee of ten dollars (\$10.00) may apply for examination for registration, under this act.

§ 19. In the case of a co-partnership of licensed architects, each member must hold a certificate of practice.

§ 20. The applicant shall submit satisfactory evidence of having satisfactorily completed the course in an approved high school, or the equivalent thereof, and subsequent thereto of having had at least three years practical experience in the office or offices of a reputable architect or architects.

§ 21. The applicant shall satisfactorily pass an examination in such technical and professional courses as are established by the Board.

§ 22. The examination shall have special reference to the planning, design and construction of buildings. The examination shall be in two parts, A. and B. as follows:

§ 23. A. shall be a test of the knowledge of the candidate of the strength of materials, construction and architectural design.

B. shall be a test of the ability of the candidate to make practical application of the above knowledge in the professional work of an architect, and in the duties of a supervisor of the construction of buildings, and the ethics of the profession of architecture.

§ 24. In lieu of the examination, "A" the board may accept a diploma of graduation from a recognized college or school of architecture whose requirements conform to the standard minimum of the Association of Collegiate Schools of Architecture.

§ 25. The examination "B" must be taken by all candidates.

§ 26. In lieu of all examinations, the Board shall accept registration or certification as a member of the American Institute of Architects or as an architect in another State or country where

the standard qualifications for the same are not lower than those required by the Board under this act.

§ 27. In lieu of all examinations, the Board shall accept satisfactory evidence as to the applicant's character, competency and qualifications, and satisfactory evidence that the applicant has been actually engaged in the practice of architecture under the title of Architect on his own account or as a member of a reputable firm or association in the state of North Dakota for at least one year prior to the passage of this act.

§ 28. The result of every examination or the evidence of qualifications, as provided by this act, shall be recorded by the Secretary of the Board, and the said Board shall issue a certificate of registration to every person having passed such examination or as being otherwise qualified to be entitled to receive same.

§ 29. Every person registered under this act shall pay a fee of Twenty-five Dollars (\$25.00) to the board and shall thereupon receive a certificate of registration.

§ 30. Every registered licensed architect shall, within thirty days, record his certificate of registration with the Secretary of State of North Dakota who shall provide a special book for such purpose.

§ 31. The Board may revoke any certificate after thirty days written notice to the holder thereof, and after a hearing before the Board, upon proof that such certificate has been obtained by fraud or misrepresentation, or upon proof that the holder of such certificate has been guilty of malfeasance, fraud, gross incompetency or negligence in connection with his practice of architecture.

§ 32. Every architect who is registered under the provisions of this act, and who desires to continue to practice architecture in North Dakota, shall annually during the month of July pay to the Secretary of the Board a renewal fee of Ten Dollars.

§ 33. Upon failure to pay such renewal fee, during the month of July, in each and every year the holder thereof shall have his certificate revoked, but the failure to pay such renewal fee in due time, shall not deprive him of the right of renewal thereafter, provided his application for renewal is made within one year after the expiration of his certificate. He shall then pay a renewal fee of Fifteen Dollars (\$15.00).

§ 34. Any violation of the Provisions of this act shall be a misdemeanor, punishable for the first offense by a fine of not more than fifty dollars (\$50.00) and for a subsequent offense by a fine of not more than Two Hundred Dollars (\$200.00).

Approved March 15, 1917.

ASSESSMENT

CHAPTER 59.

[S. B. No. 49—Benson and Zeiman.]

CLASSIFICATION OF PROPERTY FOR ASSESSMENT.

An Act to Classify Property for Assessment at a Percentage of its Value and Fix and Adopt such Percentage of Values.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CLASSIFICATION OF PROPERTY. WHAT PERCENTAGE OF FULL AND TRUE VALUE TO BE ASSESSED.] All real and personal property subject to a general property tax and not subject to any gross earnings or other lieu tax is hereby classified for purposes of taxation as follows:

Class 1. All land, town and city lots, railroads, bank stock, express and telegraph property, shall constitute Class One (1) and shall be valued and assessed at thirty (30) per cent of the full and true value thereof.

Class 2. All live stock, agricultural and other tools and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks, and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes, flour mills, elevator and warehouses and store-houses of all kinds, buildings and all improvements upon railroad right of way and leased sites, stocks of merchandise, all fixtures and equipment, franchise, patents, royalties, electric light and gas plants, telephone lines, including wire, pole and pipe lines, water works systems, including pipe lines, structures and improvements upon town and city lots, and all property not herein specifically mentioned, shall constitute Class Two (2) and shall be valued and assessed at twenty (20) per cent of the true and full value. Provided, however, the city commission, the city council or board of trustees may, by resolution at a regular or stated meeting fix a different percentage of value upon structures and improvements on town and city lots, which rate shall be not less than five (5) per cent of the true and full value.

Class 3. All household goods, and house equipment and wearing apparel, structures and improvements upon farm land, stocks other than banks, bonds, money and credits, provided that such stocks, bonds, money and credits are not otherwise assessed under a mill or flat rate law, shall constitute Class Three (3) and shall be valued and assessed at five (5) per cent of the full and true value.

§ 2. REPEAL.] All Acts or parts of acts in conflict with this act are hereby repealed.

Approved March 9, 1917.

BANKS

CHAPTER 60.

[H. B. No. 145—Walton.]

SAVINGS BANKS.

An Act to Amend and Re-enact Section 5198 of the Compiled Laws of the State of North Dakota for the year 1913, authorizing and restricting the investment of Capital, Deposits and Surplus of Savings Banks.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 5198 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

§ 5198. INVESTMENT OF FUND.] A savings bank incorporated hereunder shall invest its capital, its deposits, its surplus and its profits only as follows:

First. In bonds of the United States.

Second. In bonds or evidences of debt in this state or in the bonds of other states in the Union.

Third. In bonds or warrants of any county in this state, or in the bonds or warrants of any city in this state, or any special improvement district therein, or in the bonds or warrants of any village, township, school district or drainage district in this state, issued pursuant to the authority of law, but not exceeding thirty per cent of the assets of such savings bank shall be invested in such bonds or warrants.

Fourth. In notes or bonds secured by mortgage or deed of trust upon unincumbered real estate in this state, which real estate shall be worth, exclusive of all improvements, at least twice the amount loaned thereon, but in addition thereto, there may be loaned thirty per cent of an appraised value of any buildings on said real estate provided fire insurance policies are maintained and deposited as collateral to such mortgage.

Fifth. In the mortgage bonds of any railroad corporation, incorporated under the laws of any state of the United States, provided that during each of the ten fiscal years of such railroad corporation next preceding the date of such investment:

1. Such railroad corporation shall have paid the matured principal and interest of all its mortgage indebtedness.

2. Such railroad shall have paid in dividends in cash to its stockholders, an amount of at least four per cent per annum upon all its outstanding stock of every class.

Sixth. To the extent of sixty per cent of the total demand deposits, in promissory notes due not more than one year from the

date of the loan; provided that where there are pledged securities such as such corporation is by this Chapter authorized to invest its funds, there may be loaned an amount not to exceed eighty per cent of the value of such securities, and provided, further, that no such loan shall be made to a person in excess of five per cent of the total demand deposits, and in no event more than fifteen per cent of the capital stock and surplus.

Approved March 12, 1917.

CHAPTER 61.

[S. B. No. 48—Gronvold.]

ASSESSMENT OF BANK OR TRUST COMPANY STOCK.

An Act to Amend and Re-enact Section 2115, Compiled Laws of North Dakota for the Year 1913, Relating to the Assessment of Bank or Trust Company Stock, and Revenue and Taxation.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 2115 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2115. BANK AND TRUST COMPANY STOCK. WHERE AND AT WHAT VALUATION TO BE LISTED.] The stockholders of every bank, and of every trust company, located in this state, whether such bank or trust company has been organized under the banking laws of this state, or of the United States, shall be assessed and taxed on the value of the shares of stock, in the county, town, district, city or village where such bank or trust company is located, and not elsewhere, whether such stockholders reside in such places or not; such shares shall be listed and assessed annually with regard to the ownership and value thereof on the first day of April of each year. To aid the assessor in determining the value of such shares of stock, the accounting officer of every bank and trust company shall furnish a statement in duplicate to the assessor, verified by oath, showing the amount and number of such shares of capital stock of such bank or trust company, the amount of its surplus or reserve fund and undivided profits; the amount of its net investment in real estate, which real estate shall be returned in the name of the bank or trust company and shall be assessed and taxed as other real estate is under this article. To determine the real values of such real estate investments the assessor shall strike from his lists all real estate which said bank or trust company has sold to any party or parties under any contract whereby the party or parties purchasing agrees to pay all taxes levied against such property. The assessor shall deduct the net amount of said investment in real estate from the aggregate amount of such capital stock, surplus and undivided profits and the remainder shall be

taken as a basis for valuation of such shares of stock in the hands of the stockholders subject to the provisions of law requiring all property to be assessed at its true and full value, or as such property may be by law classified for assessment. Provided, however, no bank or trust company shall be permitted a deduction for net investment in real estate of more than sixty per cent of its capital stock, surplus and undivided profits; and provided further, that upon written request of the accounting officer any solvent bank or trust company may have the total amount of the assessment herein provided for as against each shareholder to be assessed against the bank or trust company in its corporate name and the taxes accruing thereon paid as other expenses of the bank or trust company are paid. The shares of capital stock in national banks, not located in this state, held in this state, shall not be required to be listed under this article.

Approved, March 9, 1917.

BARBERRY BUSHES

CHAPTER 62.

[S. B. No. 139—Mostad.]

ERADICATION OF CERTAIN BUSHES AND HEDGES.

An Act to Provide for the Eradication of Certain Bushes and Hedges Commonly Known as Barberry Bushes in Order to Provide for the Control and Lessening of Damage by Rust to Wheat and Other Cereals and Grasses, Making an Appropriation for the Enforcement of this Act, and Providing Penalties.

PREAMBLE: Whereas it has been scientifically demonstrated that wheat and other cereals are apt to be more seriously injured by rust when grown in the vicinity of barberry bushes and hedges, and,

Whereas it has been demonstrated that the black stem rust of wheat and other cereals and grasses develops on certain barberry bushes in the spring and produces countless number of spores which are carried by the wind and find lodgment on grain and grasses, therefore

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That all barberry bushes and barberry hedges except the species and variety known as Japanese barberry (*Berberis Thunbergii*) are hereby declared to be, and the same are, a public nuisance and a menace to the public welfare. It shall be the duty of every person owning or having charge of any premises on which

barberry bushes of the rust producing variety are grown, or found growing, to immediately destroy such bushes.

§ 2.] The Commissioner of Agriculture and Labor is authorized, and it is hereby made his duty, to cause all rust producing barberry bushes and barberry hedges within the State of North Dakota to be eradicated in the manner herein provided. It shall also be the duty of the board of county commissioners of every county in this state to order and cause the eradication of all such rust producing barberry bushes within their respective counties in the manner hereinafter provided. The commissioner of Agriculture and Labor shall make rules and regulations relating to the most convenient and expedient method of eradicating and destroying such rust producing barberry bushes, and he shall have the power to appoint one or more agents to enforce the provisions of this act. The Commissioner of Agriculture and Labor, or his agents, and the county commissioners shall have free access at all reasonable hours to any premises to determine whether such rust producing barberry bushes are growing thereon.

§ 3.] Whenever the Commissioner of Agriculture and Labor, or his agents, or the county commissioners have found barberry bushes of said rust producing variety, it shall be the duty of the board of county commissioners, or the Commissioner of Agriculture and Labor, or his agents, as the case may be, to immediately notify, or cause to be notified, the owner of the premises on which such bushes are growing; such notice shall be sent to such owner by registered mail, and if such barberry bushes are not destroyed within ten (10) days after the mailing of such notice, the county commissioners, or the Commissioner of Agriculture and Labor, or his agents, as the case may be, shall destroy, or cause to be destroyed, such barberry bushes and the expense thereof shall be a lien upon the premises where such bushes are growing, and if the owner or occupant shall not pay the same to the county treasurer on or before the first Monday of December following, such expense shall be added to the taxes assessed against such premises and collected in the same manner as taxes are collected. In order to provide for the immediate payment of the cost of eradicating barberry bushes, the county commissioners shall authorize the payment of such expense from the general fund of the county which fund shall be reimbursed by the collection of such costs in the manner hereinbefore provided.

§ 4.] The Commissioner of Agriculture and Labor, or his duly authorized agent, whenever requested by the board of county commissioners, or by any resident freeholder within the state, determine, or cause to be determined, whether or not the barberry bushes grown on certain premises are of the rust producing variety, and after such examination the result of the same shall be certified to the board of county commissioners.

§ 5. AN APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated

the sum of five thousand dollars (\$5,000.00) or so much thereof as may be necessary to defray the expenses of the Commissioner of Agriculture and Labor, and his agents, in carrying out the provisions of this Act.

§ 6. PENALTY.] Any person, partnership, firm, corporation, or association, who shall fail or neglect to destroy the rust producing barberry bushes growing on their premises within ten (10) days after receiving notice from the board of county commissioners so to do, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than twenty-five dollars (\$25.00).

§ 7. AN EMERGENCY.] Whereas, it is highly necessary and expedient that barberry bushes of the rust producing variety be destroyed and exterminated before the first day of July, 1917, therefore an emergency exists, and this act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall take effect and be in force from and after its passage and approval.

Approved March 15, 1917.

BEAVER AND OTTER

CHAPTER 63.

[S. B. No. 74—Jacobson.]

BEAVER AND OTTER.

An Act to Amend and Re-enact Section 46 of Chapter 161 of the Session Laws of North Dakota for 1915, Relating to Beaver and Otter.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 46 of Chapter 161 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as to read as follows:

§ 2. BEAVER AND OTTER.] No person shall take, kill, catch or trap any beaver or otter except as herein provided, that any person having procured a trapping license may take, kill, catch or trap beaver between and including the tenth day of January and the tenth day of March of each year.

§ 3. ANY VIOLATION OF THE PRECEDING SECTIONS SHALL BE A MISDEMEANOR AND ANY PERSON OR PERSONS CONVICTED THEREOF SHALL BE FINED NOT LESS THAN FIFTY DOLLARS AND NOT MORE THAN ONE HUNDRED DOLLARS AND COSTS OF PROSECUTION, OR A TERM OF IMPRISONMENT IN THE COUNTY JAIL NOT LESS THAN TEN DAYS NOR MORE THAN FORTY DAYS AND FINE AND IMPRISONMENT IN THE DISCRETION OF THE COURT.

§ 4. IF THE VIOLATION OF ANY PROVISIONS UPON WHICH THERE MAY BE ANY DUBIETY SHALL BE IN A CRIMINAL CASE UPON EACH

premises a notice forbidding trapping thereon, it shall be unlawful except for the owners of said premises or any member of his family to take, kill, catch or trap beaver upon such premises, and any person or persons violating the provisions of the section shall be guilty of a misdemeanor.

§ 5. EMERGENCY.] Whereas, an emergency exists in that there is no adequate protection for crops from the ravages of beaver, and whereas, the destruction of timber by beaver requires that such protection be immediately given, therefore, this act shall be in force and effect immediately upon its passage and approval.

Approved, February 28, 1917.

BEGGARS

CHAPTER 64.

[H. B. No. 54—Peterson.]

UNLAWFUL FOR PERSON TO REPRESENT HIMSELF OR HERSELF FALSELY AS BLIND, DEAF, DUMB OR CRIPPLED, OR OTHERWISE PHYSICALLY DEFECTIVE.

An Act to make it Unlawful for any Person or Persons to Represent Himself or Herself Falsely as Blind, Deaf, Dumb, Crippled, or Otherwise Physically Defective and Providing a Penalty for the Violation Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That it shall be unlawful for any person to represent himself, or herself, falsely, as blind, deaf, dumb, crippled, or otherwise physically defective and securing aid or assistance on account of such representations shall be deemed guilty of a misdemeanor.

§ 2. That every such person shall, upon conviction thereof be punished by imprisonment in the county jail not less than one (1) month nor more than six (6) months, or by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by both fine and imprisonment.

Approved, February 15, 1917.

BRIDGES

CHAPTER 65.

[S. B. No. 145—McCarten.]

CONSTRUCTION OF BRIDGES AND CULVERTS.

An Act to Amend and Re-enact Section 2482 of the Compiled Laws of North Dakota for the year 1913, Relating to the Construction of Bridges and Culverts Across Drains.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2482 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2482. CONSTRUCTION OF BRIDGES AND CULVERTS.] The board of drainage commissioners shall construct such bridges or culverts over or in connection with such drain as may in its judgment be necessary to furnish passage from one part to another of any farm or tract of land intersected by such drain, and the cost of the construction thereof shall be charged as part of the cost of constructing such drain, and such bridge or passage-way shall be maintained under the authority of the board of County Commissioners or Township Supervisors, as the case may be, and the necessary expense thereof shall be deemed a part of the cost of keeping such drain open and in repair; provided, that whenever any such bridge is to be erected on section lines, and the cost of construction shall exceed one hundred dollars such bridge shall be constructed and maintained by the board of County Commissioners as provided in sections 1951, 1952 and 1953 of the Compiled Laws of 1913; provided further that whenever the expense of constructing any such bridge or culvert on section lines shall be less than one hundred dollars such expense shall be borne by the township in which such bridge or culvert is located.

§ 2. REPEAL.] All Acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1917.

CHAPTER 66.

[S. B. No. 16—Welford.]

BRIDGES

An Act to Amend Section 1958 of the Compiled Laws of North Dakota for the year 1913, Relating to Bridges Across Navigable Streams.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 1958 of the compiled laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1958. The total cost to any county of any wagon bridge built under this Article across a navigable river shall in no case exceed the sum of \$300,000.00. Provided, that any county or municipality within this state, not bordering upon a navigable river, desiring to assist in the construction of a bridge over such river, may, by a majority vote of its Board or Governing Body appropriate any sum that to the said Board or Governing Body may seem reasonable and shall direct the proper officer to draw a warrant on the general fund for the payment of such appropriation.

Approved, February 14, 1917.

BURNING PROPERTY

CHAPTER 67.

[S. B. No. 15—Beck.]

MALICIOUS MISCHIEF.

An Act to Amend and Re-enact Section 10059 of the Compiled Laws of North Dakota, Relating to Malicious Mischief.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 10059 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 10059. BURNING BUILDINGS, GRAIN, HAY, THRESHING MACHINES AND AUTOMOBILES.] Every person who wilfully burns any building, not the subject of arson, any stack of grain of any kind or of any hay, any growing or standing grain, grass, trees or fences, and any threshing machine or automobile, not the property of such person, is punishable by imprisonment in the Penitentiary not exceeding four years and not less than one year, or by imprisonment in the County Jail not exceeding one year.

Approved, January 24, 1917.

BUTCHERS

CHAPTER 68.

[H. B. No. 91—Keitzman.]

BUTCHERS—CERTIFICATE OF HEALTH.

An Act Requiring Every Person who Handles Meats in a Butcher Shop or Meat Market, to Procure a Certificate of Health.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every person who handles meats in a butcher shop or meat market where meats are sold to the public, shall file with the executive officer of the board of health a certificate from a physician licensed to practice medicine in this state, to the effect that he has examined such person and found him to be free from any infection, contagious or loathsome disease. Every such person must be examined at least once in each year.

§ 2. All Acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved, March 10, 1917.

CATTLE

CHAPTER 69.

[H. B. No. 93—Carignan.]

BAIL IN LARCENY OF HORSES AND CATTLE.

An Act Regulating Bail in Cases of Larceny of Horses or Cattle.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Bail for person or persons arrested upon the charge of larceny of horses or cattle, or who shall after preliminary examination be held to answer such charges shall in no case be less than two thousand dollars (\$2,000.00).

Approved, March 1, 1917.

CHILDREN

CHAPTER 70.

[H. B. No. 131—Tennessee.]

LEGITIMATISING CHILDREN BORN OUT OF LAWFUL WEDLOCK.

An Act Declaring Every Child to be the Legitimate Child of its Natural Parents; Making such Child an Heir of such Parents, and Providing the Procedure for Establishing such Parentage.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every child is hereby declared to be the legitimate child of its natural parents and as such is entitled to support and education, to the same extent as if it had been born in lawful wedlock. It shall inherit from its natural parents and from their kindred heir lineal and collateral.

This section shall apply to cases where the natural father of any such child is married to one other than the mother of said child, as well as where he is single. Provided, however, this law shall not be so construed as to give to said child a right to dwelling or a residence with the family of its father, if such father be married.

§ 2. The mother of any child born out of lawful wedlock may within one year after the birth of such child bring an action in the district court to establish the defendant to be its father. In such cases the parentage may be proved like any other fact. Provided, that the mother of said child shall not be considered a competent witness in any case where the alleged natural father of said child shall be dead at the time of the trial. Provided, that a statement in writing may be made by the parents of said child, admitting the parentage thereof, and upon which a judgment may be entered.

§ 3. This action shall be deemed cumulative as to the remedies contained in sections 10483 to 10500 inclusive, relating to bastardy proceedings, but all children hereafter born in this state shall be deemed to be legitimate.

§ 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved, March 10, 1917.

CITIES AND VILLAGES

CHAPTER 71.

[H. B. No. 287—Wilson.]

CONNECTIONS WITH SEWER AND OTHER MAINS, CABLES AND CONDUITS.

An Act to Amend and Re-enact Section 3740 of the Political Code of the State of North Dakota, Compiled Laws of 1913, Relating to Cities, Providing for Connections with Sewer and Other Mains, Cables and Conduits.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3740, Compiled Laws of the State of North Dakota of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 3740.] CONNECTIONS WITH SEWER AND OTHER MAINS, WIRE CABLES AND CONDUITS.] The City Council or City Commission may, by resolution, require the owners of all property abutting on any street, avenue or alley in which water mains, gas mains, sewers, steam or other pipes, under-ground wire cables or conduits, or any of them, shall have been previously laid and constructed, or, at the time of laying and constructing the same, or, as a part of the contract for laying and constructing any such mains, sewers, pipes, cables or conduits, to construct or cause to be constructed the sewer, water, gas, steam and other service connection pipes or wires in such street, avenue, or alley, at the expense of and as a charge the property fronting thereon, from and connected with the sewer, water, gas, steam or other mains, cables or conduits in said street, avenue or alley to a point inside of the curb line on either or both sides of such street, avenue, or alley, at such intervals along the whole length thereof as may be necessary to supply and serve each lot, part of lot or parcel of land in accordance with the city ordinance governing the laying and construction of such connections.

Upon the adoption of such resolution the city auditor shall publish in the official newspaper of the city twice, once in each week for two successive weeks, a notice to said owner or occupant, setting forth what work is to be done, and the time within which the same is to be done and completed. Such notice may be general as to the owner, but must be specific as to the description of the lot or parcel of land in front, side or rear of which the improvement is to be made and which the improvement affects.

If such work is not done in the manner and within the time prescribed in said notice the city council or commission shall order the same to be done by such person as they may have contracted with therefor, under the direction of the city engineer, or street

commissioner in cities having no engineer, at the expense of the lot or parcel of land adjoining such improvement or service connection, and such expense, including the expenses of all notices in connection with such work, the assessment therefor, and any other expenses incurred for such work, shall be assessed against the lot or parcel of land properly chargeable therewith by the city engineer, or by the street commissioner in cities having no city engineer; and such assessment shall be returned by him and filed in the office of the city auditor, and the city auditor shall cause to be published the said assessment, together with a notice of the time and place when and where the city council or commission will meet to approve the same, and said notice shall be published once in the official newspaper of the city at least ten days prior to the meeting of the city council or commission at which such assessment is approved.

The city council or commission after the adoption of such resolution declaring the necessity of making the service connections above referred to, shall by resolution, direct the city engineer to prepare plans and specifications for the same and file with the city auditor and shall direct the city auditor, to advertise for bids for the laying and construction of such connections in accordance with the plans and specifications for the construction of the same, which plans and specifications shall be filed with the city auditor by the city engineer; and such bids shall each be accompanied by a certified check in the sum of \$500.00 to guarantee the entering into the contract should the same be awarded to him as such bidder. Bids shall be received by the city council or commission and the contract awarded to the lowest responsible bidder. The successful bidder shall give a bond in the sum of \$1,000.00 executed by such bidder and a surety company, authorized to do business within the state, as surety, or by two acceptable freeholders of the state, who shall justify as such sureties as required in arrest and bail, and the aggregate of such justification shall equal the amount of such bond, and such bond shall be conditioned that in case such bid is accepted and such contract awarded to such bidder he will well and faithfully perform the work bid for, and fulfill the guarantee in accordance with the terms of and within the time provided for in such contract, and pursuant to the plans and specifications for such work on file in the city auditor's office, and pay for all labor and material used in such work, and that in the case of default on the part of such bidder to perform such work or fulfill the guarantees, as provided in said contract, the sum named in said bond shall be taken and held to be fixed and liquidated damages in favor of said city; and that the full amount thereof may be recovered from such bidder and his sureties in an action by the city against them on such bond. Such bond, when the same shall have been approved by the city council or commission and filed in the office of the city auditor, shall thereupon be and remain in full force and effect.

Upon the award of the contract the checks of all unsuccessful bidders shall be returned to them, and upon the filing of his con-

tract and acceptable bond, as aforesaid, the check of the successful bidder shall be returned to him. The city council or commission shall have the right to reject any and all bids for work to be done under this section if, in its opinion, the interests of the city will be best subserved by so doing, and re-advertise for further bids, but if all such bids are not rejected the contract shall then be awarded to the responsible bidder whose bid is the lowest upon the basis of cash payment therefor; provided, such bidder shall have complied with the foregoing requirements and furnished the bond hereinbefore provided for.

All contracts entered into for any work provided for in this section shall be entered into in the name of the city and shall be executed on the part of the city by the mayor or president of the commission thereof, and countersigned by the auditor with the corporate seal of the city affixed, and when signed by the contractor shall be filed in the office of the city auditor.

Such contract shall require the work to be done thereunder to be done pursuant to the plans and specifications therefor on file in the office of the city auditor, and subject to the approval of the city engineer, who shall supervise and inspect such work during its progress, and there shall be reserved in each contract the right of the city council or commission, in case of an improper construction of such work, to suspend work thereon at any time, and to re-let the contract therefor, or order a reconstruction of said work, or any part thereof, improperly done. Each contract so entered into shall state the time on or before which such work must be completed, the period of time for which the work is guaranteed as to workmanship and materials and must state from what fund the amount to be paid thereon by the city is to be paid, and that the consideration of such contract is payable only in warrants drawn on such fund, and that such city assumes and incurs no general liability under such contract.

In case the contractor to whom any such contract shall be let shall properly perform the work therein designated, the city council or commission may from time to time, in its discretion, as the work progresses, pay such contractor, upon an estimate made by the city engineer of the amount already earned thereunder, eighty-five per cent of the amount shown by such estimate to have been so earned, in warrants drawn on the fund from which the same is to be paid.

All money collected from special assessments for laying and constructing sewer and water and other connections provided for under this section shall be kept in a fund called "Sewer and Water Connections Special Assessment Fund" and warrants shall be drawn on such fund for the payment of the cost of all such connections and for nothing else. All such sewer, water and other connection special assessments shall be paid in a single payment for the cost thereof, as herein provided, and the city auditor shall so certify such assessments, as returned by the city engineer and filed in his office, up to the county treasurer for collection with the taxes

against the lot or parcel of land so assessed, in the same manner as is provided in the case of other special assessments for improvements made by the city.

Approved March 12, 1917.

CHAPTER 72.

[H. B. No. 95—Lang.]

CONSTRUCTION AND REPAIR OF CURBING.

An Act Providing for the Construction and Repair of Curbing in Cities and Providing for the Letting of Contracts and the Manner of Enforcing Payment for Curbing Built.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SPECIFICATIONS FOR CURBING.] The city council or city commissioners may by resolution or ordinance prescribe the plans and specifications for the size of curbing and may establish the widths between same in different locations and shall determine and prescribe the kind and quality of material of which, and the manner in which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each, and such resolution or ordinance shall be specific, and all contracts for the construction of curbing shall be let with reference to the same.

§ 2. BUILDING BY CITY.] Such work shall be done and the curbing built, repaired or rebuilt, in the manner and within the time prescribed by the city council or commission and they shall order the same to be done by such person as they may have contracted with therefor, under the direction of the city engineer, or street commissioner, in cities having no city engineer, at the expense of the lot or parcel of land fronting on or adjoining such curbing, and such expense, including the expenses of all notices in connection with such work and the assessment therefor, and any other expense incurred for such work shall be assessed upon the lot or parcel of land properly chargeable therewith, by the city engineer, or by the street commissioner in cities having no city engineer, and such assessment shall be returned by him, and filed in the office of the city auditor, and the city auditor shall cause to be published the said assessment, together with a notice of the time and place when and where the city council will meet to approve the same, and said notice shall be published once in the official newspaper of the city at least ten days prior to the meeting of the city council to approve such assessment.

§ 3. LETTING CONTRACTS FOR CURBING.] The city auditor shall, on or before the fifteenth day of March in each year, advertise in the official newspaper of the city twice, once in each week for two consecutive weeks, for bids for the construction of the various kinds of curbing in the city during the ensuing year, in accordance

with the plans and specifications, the resolution or ordinance provided for in Section 1, and such bids shall be received and opened and if accompanied by a check and bond as therein provided, the contract shall be awarded to the lowest responsible bidder, at the regular meeting of the city council, or city commission in April and contracts may be awarded to different bidders for the different kind of curbings required. But if the city auditor shall have failed to advertise for bids as aforesaid before the fifteenth day of March, and if the city council or city commission shall have failed to award contracts at their regular meetings in April, upon such showing being made and published together with notice for bids for two consecutive weeks prior to any regular meeting of the city council or city commission, the city council or city commission may thereupon at any such regular meeting after such publication, award such contracts to the best bidders for the different kinds of curbing required.

§ 4. REPAIRS.] Whenever the necessary repairs on curbing will not, in the judgment of the street commissioner, exceed in cost the sum of ten dollars for each twenty-five feet in front of land belonging to the same owner, he shall notify the city auditor therefor, and the city auditor shall forthwith prepare a notice in writing, which may be general as to the owner of the lot or parcel of land, but describing it specifically, requiring him to repair such curbing to the satisfaction of the street commissioner, within a time to be fixed in such notice not exceeding three days. The auditor shall deliver such notice to the street commissioner, who shall forthwith serve it by delivering a copy thereof to the occupant or owner of the parcel of land, if the same is occupied, or by leaving such notice at a dwelling house upon such lot or parcel of land with some person over the age of fourteen years residing therein, or if such lot or parcel of land is not occupied, by posting a copy of such notice in a conspicuous place thereon or immediately in front thereof, and if such curbing is not so repaired within the time fixed in such notice, the street commissioner, shall as soon as practicable, repair the same and certify the cost thereof, with his return of service of such notice to the city auditor; and the cost of such repairs shall be paid out of the "curbing special assessment fund."

§ 5. DUTY OF AUDITOR.] The city auditor shall keep in his office a book called "curbing repair special assessment book" and shall enter such cost so certified by the street commissioner therein, as a special assessment against the lot or parcel of land fronting on or adjoining such curbing, with the name of the owner, known to him, and at its regular meeting in September of each year, the city council shall review all assessments and hear all complaints against the same, and approve the same as finally adjusted.

§ 6. CURBING SPECIAL ASSESSMENT FUND.] All moneys collected from special assessments for building or repairing curbing shall be kept in a fund to be called "Curbing Special Fund" and warrants shall be drawn on such fund for the payment of the costs

of building and repairing all curbing, and the city shall in no case be liable on any contract for the building or repairing of curbing in any sum whatsoever, to be paid by moneys raised by general taxation.

All such curbing special assessment warrants shall be payable as specified and in such amounts as in the judgment of the city council or city commissioners the taxes and assessments will provide for, which said warrants shall bear interest at the rate of not to exceed six per cent per annum, payable annually, and may have coupons attached representing each year's interest. Such warrants shall have stated upon their faces for what purpose they are issued and the further fact from which fund they are payable and shall be signed by the mayor or president and countersigned by the city auditor under the seal of the city and be in denominations of not more than one thousand dollars, each such warrants may be used in making payments on contracts for making such improvements or be sold for cash at not less than par value thereof and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the sidewalk and curbing special assessment fund, and to cancel the same when paid.

§ 7. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 12, 1917.

CHAPTER 73.

[H. B. No. 60—Walton.]

ELECTRIC LIGHT PLANTS AND WATER SYSTEMS.

An Act to Authorize and Empower Cities Operating Municipal Electric Light Plants or Water Systems to sell Surplus Electricity or Water to Supply Manufacturing Plants and Other Buildings Outside of the City Limits.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That any city in this state owning and operating its own electric lighting system or waterworks, whenever in the judgment of the city commission or council it is deemed advisable, may enter into contracts with persons or corporations maintaining manufacturing plants, residences, or other buildings outside of the city limits, to furnish such plants or buildings with electricity or water if it can be furnished from the surplus remaining after supplying the needs of the city and its inhabitants.

§ 2. In case any city commission or council determines to so furnish electricity or water outside the city limits, it shall be done by contract authorized by the city commission or council and executed on its part by the president of the commission or council,

and the city auditor and by the customer or customers to be supplied, and in no case shall any such contract be authorized or entered into, at any rate or price for electricity or water which shall discriminate against the inhabitants of the city or which shall impose any direct tax burden upon the taxable property in such city or in such amount as will in any manner interfere with the ability of the city to provide adequate electricity or water for its own use and the use of the inhabitants thereof.

Approved March 10, 1917.

CHAPTER 74.

[H. B. No. 294—Cole.]

ORDINANCES UNDER COMMISSION SYSTEM OF GOVERNMENT.

An Act to Amend and Re-enact Section 3799 of the Compiled Laws of North Dakota for 1913, Relating to Ordinances Under the Commission System of Government.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 3799 of the Compiled Laws of North Dakota for 1913, is hereby re-enacted and amended to read as follows:

§ 3799. ORDINANCES.] The board of city commissioners of such city shall be vested with the power and charged with the duty of making all laws or ordinances not inconsistent with the constitution and laws of this state, touching every object, matter and subject within the local government instituted by this chapter. The title and penalty clause of every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, after the passage thereof, be published in one issue of the official paper and proof of such publication by the printer or publisher of such newspaper, made before any officer authorized to administer oaths and filed with the clerk of the board of commissioners or any other competent proof of such publication shall in all courts be conclusive evidence of the legal publication and promulgation of such ordinances. Ordinances passed by the board of commissioners and requiring publication, as herein provided, shall take effect and be in force from and after publication of the title and penalty clause of such ordinance, unless it be otherwise expressly provided for in such ordinance. Ordinances passed by the board of commissioners and not requiring publication, as herein provided, shall take effect and be in force from and after their passage unless it shall therein otherwise expressly be provided.

§ 2. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1917.

CHAPTER 75.

[H. B. No. 23—Noltimier.]

POWERS OF CITY COUNCILS.

An Act to Amend and Re-enact Subdivision 75, of Section 3599, of the Compiled Laws of North Dakota for 1913, Relating to Powers of City Councils.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That sub-division 75 of Section 3599 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sub-division 75. To purchase, erect, lease, rent, manage and maintain any system or part of system of water works, street sprinklers, hydrants and supply of water, fire and police signals, telephones and telephone lines, fire apparatus, that may be in use in the prevention and extinguishing of fires, electric light and power plants or gas works, steamheating plants and appurtenances for distribution, and to supply the same for municipal and commercial purposes, and to pass all ordinances, penal or otherwise that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected.

§ 2. All laws or parts of laws in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety, that this Act shall become effective without delay for the following reasons, to-wit, namely:

That there is no definite provision of law permitting City Councils to purchase, erect, lease, rent, manage and maintain steam heating plants, appurtenances for distribution, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1917.

CHAPTER 76.

[H. B. No. 295—Cole.]

PURCHASING PRIVATE PROPERTY BY CITIES.

An Act to Amend and Re-enact Section 3686 of the Compiled Laws of North Dakota, for 1913, as Amended by Chapter 73 of the Laws of 1915, Relating to Taking and Purchasing Private Property by Cities.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3686 of the Compiled Laws of North Dakota, for 1913, as amended by Chapter 73 of the Laws of 1915, be and the same is hereby amended and re-enacted to read as follows:

§ 3686. TAKING PRIVATE PROPERTY.] Whenever it shall be necessary to take private property in order to open, lay out, widen or enlarge any street, or alley, in any city, the same shall be done by purchase, or under the provisions of the Code of Civil Procedure providing for the exercise of the right of eminent domain; and when purchased or whenever any judgment for damages to property so taken for any such improvement shall be entered, the board of city commissioners or city council shall certify the same to the special assessment commission and they shall cause special assessments to be levied upon the property benefited thereby to pay such judgment or the purchase price thereof, provided, that not more than three-fourths may be paid by the levy of a general tax upon all taxable property in the city.

§ 2. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1917.

CHAPTER 77.

[H. B. No. 444—Moen of Adams.]

REAL ESTATE OF CITIES LOCATED IN ANOTHER STATE.

An Act Permitting Cities of Another State to Purchase, Lease, Own and hold Real Estate in this State for Certain Municipal Purposes, with the Right to Lease or Convey the Same; Prescribing the Manner of Conveying the Same and Legalizing the Acquisition by Cities of Another State of Real Estate Situate in the State of North Dakota:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any city of another state, situate at or within five miles of the boundary line of the state of North Dakota shall be permitted to purchase, lease, own and hold real estate in this state for water-works or sewerage purposes and may improve the same for municipal purposes, the same as cities situated within the state of North Dakota, together with the right to lease, let or convey the same; provided, however, that such cities shall be liable for all damages growing out of, or incident to the ownership, use or occupation of any real estate owned or held by such foreign cities the same as cities situate in this state.

§ 2. Any city of another state permitted under this act to own, lease, occupy or hold real estate in this state shall have the right by their corporate authorities and in their corporate name to sue in the courts of this state for the protection of any rights acquired in real estate in this state, and to defend actions in their corporate name relating to the ownership, use or occupation of real estate so acquired, the same as cities situate in this state.

§ 3. Any real estate in this state owned by a city situated in

another state may be conveyed by warranty or quit claim deed, executed by and in behalf of said city and in its corporate name, by its mayor and city auditor, under the corporate seal of said city, and such deed when so executed, and when acknowledged by said mayor and city auditor for and in behalf of said city before an officer competent to take acknowledgements shall be entitled to record the same as in the case of other deeds relating to real estate in this state.

§ 4. The acquisition of any real estate in this state, by deed, lease or grant, by cities situate in another state and of the class above mentioned is hereby in all things declared valid and legal.

Approved March 10, 1917.

CHAPTER 78.

[S. B. No. 240—Heckle.]

SIDEWALK SPECIAL ASSESSMENT FUNDS.

An Act to Amend and Re-enact Section 3695 of the Compiled Laws of North Dakota for the year 1913, Relating to Sidewalk Special Assessment Funds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3695 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 3695. SIDEWALK SPECIAL ASSESSMENT FUND.] All moneys collected from special assessments for building or repairing sidewalks shall be kept in a fund to be called "sidewalk special fund," and warrants shall be drawn on such fund for the payment of the costs of building and repairing all sidewalks, and the city shall not be liable on any contract for the building or repairing of sidewalks to be paid by moneys raised by general taxation; provided, only, that where lots against which sidewalk special assessments are laid have become either the absolute property of the county because of a sale for delinquent taxes, or the absolute property of the city because of a sale for delinquent special assessments, the city council shall, by resolution, direct that there be paid into the "sidewalk special fund" out of the general funds of the city the amount of the sidewalk special assessments against all such lots, with interest at 7 per cent but without penalty or costs.

All such sidewalk special assessment warrants shall be payable as specified and in such amounts as in the judgment of the city council the taxes and assessments will provide for, which said warrants shall bear interest at the rate of not to exceed seven per cent per annum payable annually, and may have coupons attached representing each year's interest. Such warrants shall state upon their faces for what purpose they are issued and the further fact from which fund they are payable and shall be signed by the mayor

and countersigned by the city auditor under the seal of the city and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payment on contracts for making such improvements or be sold for cash at not less than par value thereof and the proceeds credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the sidewalk special assessment fund, and to cancel the same when paid.

§ 2. This section shall apply to all sidewalk assessments heretofore or hereafter made.

Approved March 10, 1917..

CHAPTER 79.

[H. B. No. 260—Hoghaug.]

VALIDATING CERTAIN GENERAL AND SPECIAL ELECTIONS.

An Act Validating Certain General and Special Elections in Villages, and Bonds and Warrants issued by the Corporate Authorities Thereof in Pursuance of Such Elections.

Be it Enacted by the Legislative Assembly of the State of North Dakota.

§ 1.] Any general or special election held heretofore in any village for the purpose of submitting to the qualified electors thereof, the proposition of installing water or light plants, or for making any other improvements therein legally within the authority of such village, and to issue bonds or warrants therefor on the part of such village, or to issue bonds to fund any existing indebtedness, when the only ground for invalidity of such elections and the bonds and warrants issued in pursuance thereof are defects, errors, or omissions, in any, or all of the proceedings therefor, or that the bonds and warrants, evidencing such indebtedness, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such village exceeded the debt limit thereof as evidenced by the last assessment roll previous to the attempted incurring of such indebtedness, provided such indebtedness does not exceed the constitutional limitation, or that the petition to the board of village trustees failed to contain five-eighths of the citizen owners of taxable property of such village as evidenced by the assessment roll of the preceding year, are hereby legalized and validated the same as if in all things such elections, were held and the petitions therefor sufficient, and the bonds and warrants evidencing such indebtedness were issued in conformity to the laws then in force.

§ 2. EMERGENCY.] Whereas an emergency exists in this, that it is necessary for the immediate preservation of the public health and safety that this law shall become effective without delay for

the reason that the installation of light plants and improvements authorized in villages in the state is being delayed on account of defects, errors, or omissions in proceedings connected with the elections and bonds issued to authorize and pay for such improvements, and residents of such villages will otherwise be put to great expense, inconvenience and delay and benefit from proceedings with necessary building operations; therefore this Act shall take effect from and after its passage and approval.

Approved March 10, 1917.

CHAPTER 80.

[H. B. No. 372—Hendrickson.]

VALIDATION OF CERTAIN DEFECTIVE PROCEEDINGS.

An Act Relating to the Validation of Certain Defective Proceedings in the Incorporation of Cities and Relating to Defective Proceedings to Affect the Extension of the Limits Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ACTS AND PROCEEDINGS LEGALIZED.] That in all cases where a village has, prior to January 1, 1917, been incorporated into a city under the laws of this state and the proceedings by which such incorporation has been made have been in certain respects defective, such proceedings are hereby declared to be valid and legal and the incorporation of such villages into a city shall not be questioned because of such defective proceedings.

§ 2. In all cases prior to January 1, 1917, where the limits of a city have been extended and the proceedings required by law for the extension of such limits have not been technically and strictly complied with, such proceedings are hereby declared lawful and valid and the extension of said city limits affected by such proceedings shall not be questioned because of such defect, provided, that nothing contained herein shall affect any act or proceeding now pending in any court in the state.

§ 3. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1917.

CHAPTER 81.

[H. B. No. 200—Wadeson.]

VILLAGE BOARDS.

An Act to Re-enact Chapter 269 of the Laws of North Dakota for the year 1915, being an Act Defining the Powers of Village Boards Relating to the Erection, Purchase, Leasing, and Operation of Electric Light and Power Plants or Gas Works, and granting to Village Boards the Authority to Contract with Others for Electric or Gas Street Lighting, Electricity and Gas.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1 of Chapter 269, Laws of North Dakota for the year 1915, is hereby amended and re-enacted so as to read as follows:

The Board of Trustees of villages shall have the power upon petition of five-eighths of the citizen-owners of the taxable property of such villages in the manner and form provided by Section 3868 of the Compiled Laws of North Dakota, for the year 1913 as amended by Chapter 269 of the Session Laws of 1915, to purchase, erect, lease, manage and maintain any electric light and power plants or gas works to supply electric light, power or gas for village and commercial purposes and to its inhabitants, or to contract with others within or without such village to furnish electric light, power or gas to such village and its inhabitants, and to furnish electric or gas street lamps, poles and other equipment necessary therefor, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, operation, management and control of the property so erected, purchased, leased, or contracted for.

Approved March 12, 1917.

CONCURRENT RESOLUTIONS

CHAPTER 82.

[S. B. No. 315—Gibbens.]

A CONCURRENT RESOLUTION.

Appropriation to Meet a Deficiency for the Per Diem of Officers and Employees of the Senate and House of Representatives, Fifteenth Legislative Assembly.

WHEREAS, the 14th Legislative Assembly made appropriations for the specific departments of the Legislative Assembly to meet the expenses and expenditures of the 15th Legislative Assembly, and

WHEREAS, the specific appropriation for the payment of the per diem of officers and employees of both the Senate and House of

Representatives of said 15th Legislative Assembly were incorrectly estimated therein and fixed at the amount of twenty thousand (\$20,000.00) dollars, and

WHEREAS, by such incorrect estimate and appropriation a deficiency will occur in the said appropriation for the payment of per diem of officers and employees of said Senate and House of Representatives of the 15th Legislative Assembly; therefore,

Be it Enacted by the Senate of North Dakota, the House of Representatives Concurring therein:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of six thousand (\$6,000.00) dollars or so much thereof as may be necessary to meet a deficiency in the appropriation for the per diem of officers and employees of the Senate and House of Representatives, Fifteenth Legislative Assembly.

§ 2. EMERGENCY.] Whereas, it is necessary for the immediate preservation of peace, health and safety that this Act shall become effective without delay for the following reasons, to-wit: That there are now insufficient moneys available for the purpose herein specified and the demand is immediate that such appropriation be made; therefore, this Act shall become and be in force and effect immediately upon its passage and approval by the Governor.

Approved February 24, 1917.

CHAPTER 83.

[S. B. No. 66—Englund.]

CONCURRENT RESOLUTION.

WHEREAS the Mouse River, also known in Canada as the Souris River, in the spring of the year over-flows its banks and often causes great injury, and irreparable damage to property in the State of North Dakota, and

WHEREAS it appears that the flood conditions of the Mouse River can be prevented by deepening and extending a coulee or dry creek, situated in the Province of Saskatchewan, Dominion of Canada, a short distance north of the boundary line of North Dakota, which coulee nearly connects Mouse River with Des Lacs Lake, and thereby causing the surplus waters of said river to flow into Des Lacs Lake, therefore

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That we, the members of the Fifteenth Legislative Assembly of the State of North Dakota, respectfully petition the President, the Secretary of State and the Senate of the United States to make

arrangements with the Government of the Dominion of Canada for the turning of the surplus waters of the Mouse River at the expense of the United States in the manner suggested in these resolutions thereby saving the citizens of this State from the damage and devastations caused by the flooding of this river.

BE IT FURTHER RESOLVED: That the Secretary of State be instructed to send a copy of these resolutions to the President, to the Secretary of State, to the Senate of the United States and to each of our Senators and Representatives in Congress.

Approved March 9, 1917.

CHAPTER 84.

CONCURRENT RESOLUTION.

[Lathrop.]

A Concurrent Resolution to Provide for the Creation of a Special Committee to Investigate and report on Legislation Necessary for the Relief of Floods.

WHEREAS; Much damage is done by floods in the valley of the Red River of the North and its tributaries, and also in the Mouse River Valley and the Des Lacs Valley; and

WHEREAS; The Governor of our State has recommended in his annual Message that serious consideration be given to this problem; and

WHEREAS; Intelligent action is not possible without accurate information, and through uniform action with other states and the Federal Government; now therefore

BE IT RESOLVED; That, if the Senate and House Drainage and Irrigation Committee; in joint session, shall deem it advisable; they are hereby authorized to create a Special Committee to investigate this problem and report their findings back to both the Senate and House Drainage Committees for their information and guidance. The Special Committee to be at all times under the control and jurisdiction of the Joint action of said Senate and House Irrigation Committee, with the following general duties, and, under the following limitations.

The Special Committee may be authorized to meet with organizations having this project under consideration, or to meet with representatives of the States of South Dakota and Minnesota, and of the Federal Government, provided that such meeting shall be held at a point not farther than St. Paul, Minnesota. Provided further that the committee shall not exceed five in number, and in the case of Members of the Legislative Assembly or Officers or Employees of the State of North Dakota, shall be entitled only to actual traveling expenses: Should any member be chosen on Committee not in the pay of the state, the Committee is authorized to pay such member, or members, a reasonable per diem and actual traveling expenses.

Should such Special Committee be created, there is hereby appropriated out of the general funds of the state, from moneys not otherwise appropriated the sum of three hundred dollars (\$300.00), or as much thereof as may be necessary to pay the actual and necessary expenses incurred in the performance of their duties.

Approved February 14, 1917.

CHAPTER 85.

CONCURRENT RESOLUTION.

(Appropriation Committee.)

A Concurrent Resolution Providing for the Acceptance of an offer Donating a Bust of Lincoln, Providing for an Appropriation Therefor.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring therein:

§ 1. Paul Fjelde, the Sculptor and Former North Dakota boy, has offered to donate to the State of North Dakota a bust of Lincoln, a replica of which was presented to Norway on July 4th, 1914, and

WHEREAS, It is desirable to have this bust at the Capitol in time to have the same dedicated on February 12, being Lincoln's Birthday, and

WHEREAS, The State will be asked to bear the expenses only of making a new cast and of expressage,

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, THE SENATE CONCURRING THEREIN, That this generous offer be accepted and, be it further resolved that there be appropriated for this purpose the sum of Seventy-five and No-100 Dollars (\$75.00) or as much thereof as may be needed.

§ 2. EMERGENCY.] Whereas, it is necessary for the public peace and safety that due recognition be given to the great name of Abraham Lincoln, and his services for this great commonwealth of the United States, and that memorial day, February 12th, 1917, set aside to honor his memory, be duly observed, this act shall take effect and be in force immediately in order to be of any force and effect.

Approved January 30, 1917.

CHAPTER 86.

[H. B. No. 346—Harris.]

A CONCURRENT RESOLUTION.

Amending the Constitution of the State of North Dakota, Changing the Name of the State Reform School Located at Mandan, in the County of Morton, to that of State Training School.

Be it Enacted by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following proposed amendment to Section 215 of the Constitution of the State of North Dakota be referred to the Legislative Assembly to be chosen at the next general election in said state to be by said last mentioned Legislative Assembly submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] Article 19, Section 215 of the Constitution of the State of North Dakota is amended so as to read as follows:

§ 215.] The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the act of congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this constitution.

First: The seat of government at the City of Bismarck in the County of Burleigh.

Second: The State University and the School of Mines at the city of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the city of Fargo, in the County of Cass.

Fourth: A State Normal School at the City of Valley City in the County of Barnes, and the Legislative assembly in apportioning the grant of eighty thousand acres of land for normal schools made in the act of congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The school for the Deaf and Dumb of North Dakota at the city of Devils Lake, in the County of Ramsey.

Sixth: A State Training School at the city of Mandan, in the County of Morton.

Seventh: A State Normal School at the city of Mayville, in the County of Traill, and the legislative assembly in apportioning the grant of lands made by congress in the act aforesaid for state normal schools, shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A state hospital for the insane at the city of Jamestown, in the County of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the act of congress aforesaid for other educational and charitable institutions for the benefit and for the endowment of said institution, and there shall be located at or near the city of Grafton, in the County of Walsh, an institution for the feeble-minded, on the grounds purchased by the secretary of the interior for a penitentiary building.

Approved March 15, 1917.

CHAPTER 87.

[H. B. No. 249—Lageson, Lathrop and Tenneson.]

A CONCURRENT RESOLUTION.

Providing for a Commission of Three Citizens of the State to be Appointed by the Governor to Confer with the Drainage Boards or Drain Commissioners Under the Laws of the State of North Dakota, and with Similar Commissions that be Appointed in Adjoining States, for the Purpose of Investigating the Method and Systems of Drainage and Reclamations on Boundary Line Waters between This State and Other Adjoining States, and for the Purpose of Investigating and Reporting on the Best Methods of Effecting Mutual Co-operation between the Drainage Districts or Drainage Boards of This State and of Any Adjoining States Concerning the Drainage and Flood Control of Boundary Line Waters and Areas of Land Affected Thereby, and Providing for an Appropriation Therefor.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring therein:

§ 1.] There is hereby established for a period of time not exceeding two years, a commission to be known as the Boundary Drainage Commission, consisting of three citizens of the State of North Dakota, who shall be appointed by the Governor thereof within thirty days after this resolution becomes effective.

§ 2.] Each member of said commission shall qualify by taking the oath of office prescribed by law, and the Governor shall be authorized to fill any vacancies that may occur in such commission.

§ 3.] It shall be the duty of such commission to assist in the organization of drainage flood control districts and to confer with any drainage district or drain commissioners in the State of North Dakota for the purpose of acquiring information and knowledge as to the best means of accomplishing uniform methods of drainage and reclamation of boundary line waters and areas of land affected thereby.

It shall also be the duty of said commission to confer with any similar commission appointed by any State adjoining the State of North Dakota concerning boundary line waters and lands affected thereby, all for the purpose of considering the best means of accom-

plishing the drainage and flood control of boundary line waters in the states concerned, and of effecting uniform methods of reclamation of the land affected thereby.

It shall also be the duty of such commission to formulate a report of their investigations and their recommendations, which report shall be printed and filed with the Governor of this state not later than the first day of October, 1917, and it also shall be the duty of such commission to formulate a report of their investigations and recommendations, which report shall be printed and submitted to the next legislative assembly not later than the first Monday in January, 1919.

§ 4. Each commissioner appointed by said Governor shall be entitled to receive the sum of five dollars per day for his actual time devoted to the work of such commission, and in addition thereto his actual and necessary traveling expenses, all to be submitted as otherwise required by law on form vouchers itemized.

§ 5. The said commission shall be authorized and empowered to employ necessary stenographic help.

§ 6. There is hereby appropriated out of any moneys in the general fund, not otherwise appropriated, the sum of \$3,000.00 or so much thereof as may be necessary for the purpose of carrying into effect the provisions of this resolution.

§ 7. EMERGENCY.] Whereas, it is necessary for the immediate preservation of the public health and safety that this Act shall become effective without delay, for the reason that flood conditions and the question of flood control are now questions of great and paramount public interest to the State of North Dakota and its citizens. Therefore, this resolution shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 15, 1917.

CHAPTER 88.

[H. B. No. 26—Ward.]

A CONCURRENT RESOLUTION.

UNITED STATES GRAIN STANDARDS ACT.

WHEREAS, The Sixty-Fourth Congress of the United States has passed an Act known as the "United States Grain Standards Act," authorizing the Secretary of Agriculture to investigate the handling, grading and transportation of grain, and to establish standards of quality and condition for the various kinds of grain, and

WHEREAS, The Secretary of Agriculture has appointed and authorized a Federal Commission to standardize the grades of grains, and

WHEREAS, Dr. E. F. Ladd, President of the State Agricultural College of North Dakota has conclusively demonstrated that the

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present method of fixing standards of grain is inequitable and unfair to the farmers of this state, and

WHEREAS, Dr. Ladd has proven that in order to constitute an adequate and a fair standard, the milling and baking tests of grain must be primarily considered,

Therefore be it Resolved, by the House of Representatives of the State of North Dakota, the Senate Concurring Therein:

That we, the members of the 15th Legislative Assembly of the State of North Dakota hereby respectfully petition the Hon. David F. Huston, Secretary of Agriculture, and the honorable members of the Federal Commission to carefully consider the findings of Dr. E. F. Ladd and in their determination of the standards for the grading of grain to base the standards of quality thereof primarily on the milling and baking tests.

BE IT FURTHER RESOLVED, That the Secretary of State be instructed to send a copy of these resolutions to the President of the United States, to the Hon. David F. Huston, Secretary of Agriculture, to the Chairman of the Federal Commission authorized to fix grain standards, and to each of our senators and representatives in congress, and,

BE IT FURTHER RESOLVED, That we urge our representatives and senators in congress to use their efforts and influence to bring about a more equitable method of grading grain along the lines suggested in these resolutions.

Approved February 14, 1917.

CONSTITUTIONAL AMENDMENTS

CHAPTER 89.

[S. B. No. 13—Lindstrom.]

A CONCURRENT RESOLUTION.

For an Amendment to the Constitution Providing for the Elective Franchise.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to Section 121 of Article 5 of the Constitution of the State of North Dakota be referred to the Legislative Assembly to be chosen at the next general election in said State be published, and upon agreement by the Legislature so chosen next, as aforesaid, to be by said last mentioned Legislative Assembly submitted to the qualified electors of the State for approval or rejection at the general election in the year 1920 in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT. That Section 121 of Article 5, of the Constitution of North Dakota, as amended by Article 2 of the Amendment to

the said constitution shall be and is hereby amended and re-enacted to read as follows:

§ 121.] Every person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year and in the county 90 days and in the precinct 30 days next preceding any election shall be a qualified elector at such election. First, Citizens of the United States; Second, Civilized persons of Indian descent who shall have severed their tribal relations two years next preceding such election.

Approved January 23, 1917.

CHAPTER 90.

[S. B. No. 131—Cahill.]

A CONCURRENT RESOLUTION.

For an Amendment to the Constitution of the State of North Dakota, Relating to the Voting Privileges of Members of Co-operative Corporations.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following proposed amendment to Article 7 of Section 135 of the Constitution of the State of North Dakota, adopted by the 14th Legislative Assembly of the State of North Dakota, and by it referred to the 15th Legislative Assembly of said state, is hereby agreed to, and said amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] That Article VII, of Section 135, of the Constitution of the State of North Dakota, be amended to read as follows:

In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer, provided, any co-operative corporation may adopt by-laws limiting the voting power of its stockholders.

Approved March 9, 1917.

CHAPTER 91.

[S. B. No. 2—Thoreson.]

A CONCURRENT RESOLUTION.

Amending the State Constitution of the State of North Dakota.

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring Therein:

That the following amendment to the Constitution of the State of North Dakota, adopted by the 14th Legislative Assembly

and by it referred to the 15th Legislative Assembly for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

§ 1. AMENDMENT.] That the Constitution of the State of North Dakota be amended by adding the following section:

The legislative assembly may by law provide for the levy of a tax upon such lands as may be provided by law of the state for the purpose of creating a fund to insure the owners of growing crops against losses by hail; provided, that such tax shall not affect the tax of four mills levied by the Constitution. The legislative assembly may classify such lands of the state as may be provided by law, and divide the state into districts on such basis as shall seem just and necessary, and may vary the tax rates in such districts in accordance with the risk, in order to secure an equitable distribution of the burden of such tax among the owners of such land as may be provided by law.

Approved March 8, 1917.

CHAPTER 92.

[S. B. No. 42—Hamilton.]

A CONCURRENT RESOLUTION:

Amending the Constitution of the State of North Dakota, Relating to the Taxes of Improvements on Land.

Be it Resolved by the Senate of the State of North Dakota, the House of Representatives Concurring:

That the following proposed amendment to Section 177 of the Constitution of the State of North Dakota be referred to the Legislative Assembly to be chosen at the next general election in said state, to be by the said last mentioned Legislative Assembly submitted to the qualified electors for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

§ 1. AMENDMENT.] Article 11 of Section 177 of the Constitution of the State of North Dakota is hereby amended so as to read as follows:

§ 177. All improvements on land shall be assessed in accordance with Section 179 and the amendments thereto, but the Legislative Assembly shall have the power to exempt from taxation any and all improvements on farm property.

Approved February 14, 1917.

CHAPTER 93.

[H. B. No. 366—Hendrickson.]

SUPREME COURT

A CONCURRENT RESOLUTION

Amending the State Constitution of the State of North Dakota.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following amendment to the Constitution of the State of North Dakota be agreed to and referred to the Fifteenth Legislative Assembly of the state for approval, to be by the last named Legislative Assembly submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of said state.

AMENDMENT.] That Section 89 of the Constitution of the State of North Dakota as amended be now amended so as to read as follows:

§ 89.] The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain, provided, however, that in no case shall any legislative enactment or law of the state of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Approved March 12, 1917.

CHAPTER 94.

[H. B. No. 165—Lathrop.]

INVESTMENT OF SCHOOL FUNDS

A CONCURRENT RESOLUTION

Amending the Constitution of the State of North Dakota, Relating to the Investment of School Funds.

Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That the following amendment to the Constitution of the State of North Dakota be agreed to and referred to the Legislative Assembly to be chosen at the next general election, and, if approved, to be by them submitted to the qualified electors of the State for approval or rejection in accordance with Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] That Section 162 of the Constitution of the State of North Dakota, (as amended by Article VIII of amendments to said Constitution), be now amended so as to read as follows:

§ 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the state, bonds of the United States, bonds of the state of North Dakota, or on first mortgages on farm lands in this state, not exceeding in amount one half of the actual value of any subdivision on which the same may be loaned such value to be determined by the board of appraisal of school lands.

Approved March 12, 1917.

CO-OPERATIVE COMPANIES

CHAPTER 95.

[S. B. No. 63—Cahill.]

CO-OPERATIVE ASSOCIATIONS.

An Act to Amend and Re-enact Section 4606 of the Compiled Laws of North Dakota for the year 1913, Relating to the Capital Stock of Co-operative Associations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 4606 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 4606. CAPITAL. LIMIT OF INTEREST. SHARES.] The amount of capital stock shall be fixed by the articles of incorporation, which amount and the number of shares may be increased or diminished at a stockholders' meeting specially called for that purpose. Within thirty days after the adoption of an amendment increasing or diminishing its capital, it shall cause the vote so adopting it, together with a record of the minutes of said meeting, to be filed for record in the office of the secretary of state with its original certificate. No share will be issued for less than its par value, and no member shall own shares of greater par value than one thousand dollars, or be entitled to more than one vote. It may commense business whenever thirty per cent of the stock has been subscribed for and paid in, but no certificate of shares shall be issued to any person until the full amount thereof has been paid in cash, and no person shall become a shareholder therein except by consent of the managers.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 9, 1917.

CHAPTER 96.

[S. B. No. 318—Ettestad.]

CO-OPERATIVE CORPORATIONS.

An Act to Provide that Members of Co-operative Corporations may Provide in their Articles of Incorporation Limitations upon the Voting Privileges of Members thereof, Limitation as to the Ownership of Shares of Stock therein, and also for the Disposition of the Earnings of Such Corporations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Members of co-operative corporations hereafter organized may provide in their articles of incorporation limitations or restrictions on the voting privileges of members of such corporation, limitations or restrictions as to the ownership of shares of stock of such corporation, and also for the disposition of the earnings of such corporation on such basis as they may deem to be just and equitable. Provided, however, that any such restriction or limitation shall be plainly printed upon every share of stock issued by it.

§ 2. CONSTRUCTION.] This Act shall not be construed as in any manner limiting or restricting the powers of existing corporations, but shall be deemed to be supplementary to the corporation laws not inconsistent herewith which are now a part of the laws of the state.

Approved March 9, 1917.

CHAPTER 97.

[H. B. No. 99—Arnold.]

CO-OPERATIVE ASSOCIATIONS.

An Act Relating to the Incorporation of Co-operative Associations and the fees to be paid therefor, the powers, duties and obligations thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CO-OPERATIVE ASSOCIATIONS, WHO MAY ORGANIZE; PURPOSES.] Any number of persons, not less than 15, may associate themselves as a co-operative association, society, company, or exchange, for the purpose of conducting any agricultural, dairy, mercantile, mining, manufacturing or mechanical business on the co-operative plan. For the purpose of this act, the words "association," "company," "corporation," "exchange," "society," or "union," shall be construed to mean the same.

§ 2. ARTICLES. CONTENTS.] They shall sign and acknowledge written articles which shall contain the name of said association and the names and residences of the persons forming the same. Such articles shall also contain a statement of the purposes of the association and shall designate the city, town or village where its principal place of business shall be located. Said articles shall

also state the amount of the capital stock, the number of shares and the par value of each.

§ 3.] VERIFICATION. FILING. CHARTER.] The original articles of incorporation organized under this act or a true copy thereof, verified as such by the affidavits of two of the signers thereof, shall be filed with the Secretary of State. A like verified copy of such articles and certificates of the Secretary of State, showing the date when such articles were filed with and accepted by the Secretary of State, within thirty days of such filing and acceptance, shall be filed with and recorded by the register of deeds of the county in which the principal place of business of the corporation is to be located, and no corporation shall, until such articles be left for record, having legal existence. The register of deeds shall forthwith transmit to the secretary of state a certificate stating the time when such copy was recorded. Upon receipt of such certificate the secretary of state shall issue a certificate of incorporation.

§ 4. FILING FEE.] For filing of articles of incorporation of corporations organized under this act, there shall be paid the secretary of state ten (\$10.00) dollars, and for the filing of an amendment to such articles, five dollars. For recording copy of such articles the register of deeds shall receive a fee of twenty-five cents to be paid by the person presenting such papers for record. When stock is less than five hundred (\$500.00) dollars, fee is one (\$1.00) dollar.

§ 5. DIRECTORS. ELECTION. DUTIES. ELECTION OF OFFICERS.] Every such association shall be managed by a board of not less than five directors. The directors shall be elected by and from the stockholders of the association at such time and for such term of office as the by-laws may prescribe, and shall hold office for time for which elected and until their successors are elected and shall enter upon the discharge of their duties; but a majority of the stockholders shall have the power at any regular or special stockholders meeting, legally called, to remove any director or officer for cause, and fill the vacancy, and thereupon the director, or officer so removed shall cease to be a director or officer of said association. The officers of every such association shall be a president, one or more vice-presidents, a secretary, and a treasurer, who shall be elected annually by the directors, and each of said officers must be a director of the association. The office of secretary and treasurer may be combined, and when so combined the person filling the office shall be secretary-treasurer.

§ 6. AMENDMENTS. HOW ADOPTED. RECORDING.] The association may amend its articles of incorporation by a majority vote of its stockholders at any regular stockholders' meeting, or at any special stockholders' meeting, called for that purpose, on ten days' notice to the stockholders. Said power to amend shall include the power to increase or diminish the amount of capital stock and the number of shares. Provided, the amount of the capital stock shall not be diminished below the amount of paid-up capital at time

amendment is adopted. Within thirty days after the adoption of an amendment to its articles of incorporation, an association shall cause a copy of such amendment adopted to be recorded in the office of the secretary of state and of the register of deeds of the county where the principal place of business is located.

§ 7. BUSINESS AUTHORIZED TO BE CONDUCTED.] An association created under this act shall have power to conduct any agricultural, dairy, mercantile, mining, manufacturing or mechanical business, on the co-operative plan and may buy, sell and deal in the products of any other co-operative company heretofore organized or hereafter organized under the provisions of this act.

§ 8. STOCKS. ISSUE. LIMIT. VOTE.] No stockholder in any such association shall own shares of a greater aggregate, par value than one thousand (\$1,000.00) dollars except as hereinafter provided, or be entitled to more than one vote.

§ 9. SUBSCRIPTIONS OF STOCK IN OTHER ASSOCIATIONS.] At any regular meeting, or any regularly called special meeting at which at least a majority of all its stockholders shall be present, or represented. An association organized under this act may by majority vote of stockholders subscribe for shares and invest its reserve fund, not to exceed twenty-five per cent of its capital, in the capital stock of any other co-operative association.

§ 10. PURCHASING BUSINESS OF OTHER ASSOCIATIONS. PAYMENT. STOCK ISSUE.] Whenever an association created under this act, shall purchase the business of another association, person or persons, it may pay for the same in whole or in part by issuing to the selling association or person shares of its capital stock to an amount, which at par value would equal the fair market value of the business so purchased, and in such case the transfer to the association of such business at such valuation shall be equivalent to payment in cash for the shares of stock so issued.

§ 11. CERTIFICATES OF STOCK. WHEN HELD IN TRUST. ISSUE.] In case the cash value of such purchased business exceeds one thousand dollars, the directors of the association are authorized to hold the shares in excess of one thousand dollars in trust for the vendor and dispose of the same to such persons, and within such times as may be mutually satisfactory to the parties in interest, and pay the proceeds thereof as currently received to the former owner of said business. Certificates of stock shall not be issued to any subscriber until fully paid, but the by-laws of the association may allow subscribers to vote as stockholders; provided, part of the stock subscribed for has been paid in cash.

§ 12. STOCKHOLDERS MAY VOTE BY MAIL.] At any regularly called general or special meeting of the stockholders a written vote received by mail from any absent stockholder and signed by him may be read in such meeting and shall be equivalent to a vote of such of the stockholders so signing; provided, he has been previously notified in writing of the exact motion or resolution upon which

such vote is taken and a copy of same is forwarded with and attached to the vote so mailed by him.

§ 13. EARNINGS. APPORTIONMENT.] The Directors, subject to revisions by the association at any general or special meeting, shall apportion the earnings by first paying dividends on the paid-up capital stock shall not exceed eight per cent per annum, and the remainder of said net profits by uniform dividend upon the amount of purchases of shareholders and upon the wages and salaries of employes, and one half of such uniform dividend to non-shareholders on the amount of their purchases, which may be credited to the account of such nonshareholders on account of capital stock of the association; but in productive associations such as creameries, canneries, elevators, factories and the like, dividends shall be on raw material delivered instead of on goods purchased. In case the association is both selling and a productive concern, the dividends may be on both raw material delivered and on goods purchased by patrons.

§ 14. DISTRIBUTION OF DIVIDENDS.] The profits or net earnings of such association shall be distributed to those entitled thereto, at such times as the by-laws shall prescribe, which shall be as often as once in twelve months.

§ 15. ANNUAL REPORT. CONTENTS. FILING.] Every association organized under the terms of this act shall annually, on or before the first day of July of each year, make a report to the secretary of state; such report shall contain the name of the company, its principal place of business in this state, and generally a statement as to its business, showing total amount of business transacted, amount of capital subscribed for and paid in, number of stockholders, total expenses of operation, amount of indebtedness or liabilities, and its profits and losses.

§ 16. CO-OPERATIVE ASSOCIATIONS HERETOFORE ORGANIZED; MAY ADOPT PROVISIONS OF THIS ACT.] All co-operative corporations, companies, or associations heretofore organized and doing business under prior statutes, or which have attempted to so organize and do business, under prior statutes, or which have attempted to so organize and do business, shall have the benefit of all the provisions of this act, and be bound thereby on filing with the secretary of state a written declaration signed and sworn to by the president and secretary to the effect that said co-operative company or association has by a majority vote of its stockholders decided to accept the benefits of and to be bound by the provisions of this act. No association organized under this act shall be required to do or perform anything not specifically required herein, in order to become a corporation or to continue its business as such.

§ 17. USE OF TERM "CO-OPERATIVE" LIMITED TO CORPORATIONS UNDER THIS ACT.] No corporation or association hereafter organized or doing business for profit in this state shall be entitled to use the term "co-operative" as part of its corporate or other business name or title, unless it has complied with the provisions

of this act; and any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any stockholder or any association legally organized hereunder.

All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1917.

CORPORATIONS

CHAPTER 98.

[H. B. No. 226—Oksendahl.]

DISSOLUTION OF CORPORATIONS.

An Act to Amend and Re-enact Section 4565 of the Compiled Laws of North Dakota for the year 1913, Relating to the Dissolution of Corporations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4565 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 4565. INVOLUNTARY. VOLUNTARY. HOW.] A corporation is dissolved:

1. By the expiration of the time limited by its articles of incorporation.

2. Its involuntary dissolution is provided for in chapter 27 of the codes of civil procedure.

3. If voluntary, its dissolution may be affected in the following manner:

- (a) A corporation may be dissolved by the district court of the county where its office or principal place of business is situated upon its voluntary application for that purpose.

- (b) The application must be in writing and must set forth, that at a meeting of the stockholders or members called for that purpose the dissolution of the corporation was resolved upon by a two-thirds vote of all the stockholders or members, and that all claims and demands against the corporation have been satisfied and discharged.

- (c) The application must be signed by a majority of the board of directors, trustees or other officers having the management of the affairs of the corporation and must be verified in the same manner as a complaint in a civil action.

- (d) If the court is satisfied that the application is in conformity with this article, it must order the application to be filed and that the clerk give not less than thirty nor more than fifty days' notice of the application by publication in some newspaper published in

the county and if there are none such, then by advertisement posted in five of the principal places in the county.

(e) At any time before the expiration of the time of publication any person may file objections to the application.

(f) After the time of publication has expired the court may upon five days' notice to the person who have filed objections, or without further notice, if no objections have been filed, proceed to hear and determine the application; and if all the statements therein made are shown to be true, the court may declare the corporation dissolved; provided, however, that upon such hearing the court shall have the power to impose such terms or conditions as justice and equity may require and shall order a distribution of the assets of the corporation among the various stockholders in such proportion as equity and good conscience requires them to be distributed.

(g) The application, notices and proof of publication, objections, if any, and the court's order and any judgment entered thereon shall constitute the judgment roll, and from the judgment and appeal may be taken in the same manner as in other actions.

§ 2. REPEAL.] All acts and parts of acts in conflict with any of the provisions of this act are hereby repealed.

Approved March 10, 1917.

CHAPTER 99.

[H. B. No. 113—Kurtz.]

REINSTATEMENT OF CORPORATIONS.

An Act to Amend and Re-enact Section 4521 of the Compiled Laws of North Dakota for the Year 1913, Relating to Re-instatement of Corporations Failing to Report to the Secretary of State.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 4521 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4521. CORPORATIONS MAY BE RESTORED. How.] Any corporation which is pursuing an active business under its charter or certificate of authority to transact business in the state of North Dakota, failing to make said report at the time be reinstated upon the records of the office of the Secretary of State, upon the filing of the Annual Domestic Corporation Report provided for in Section 4518 and the fee of two dollars and fifty cents and in addition thereto the payment of a fee of five dollars for such re-instatement and filing in the office of the Secretary of State an affidavit setting forth the fact that such corporation was at the time of such default and still is in active business in the State of North Dakota.

Approved March 9, 1917.

COUNTY COURT

CHAPTER 100.

[H. B. No. 27—Church.]

CLERK OF DISTRICT COURT EX-OFFICIO CLERK OF COUNTY COURT.

An Act to Amend and Re-enact Section 8970 of the Compiled Laws of North Dakota for the year 1913, Relating to Clerk of County Court.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 8970 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 8970. CLERK OF DISTRICT COURT EX-OFFICIO CLERK OF COUNTY COURT.] In all counties having county courts with increased jurisdiction the clerk of the district court shall be the clerk of the county court in the same county. Such clerks of the district court and their deputies shall perform all the duties of clerks of such courts, in all actions and proceedings commended in the county courts by virtue of its increased jurisdiction, in the same manner as they are required to perform the duties of clerks of the district court, so far as the provisions of the law relating to that subject are applicable, and may demand, receive and retain the fees provided for clerks of district courts, except as herein otherwise provided, and the fees so paid shall be retained by the clerk of the district court as and for compensation for the services rendered by him as the clerk of such county court; provided, however, that they shall be entitled to receive no per diem for attendance on court, nor salary from the county on account of services performed in said court. The judge of a county court having increased jurisdiction in counties having a population of not less than twenty-five thousand, shall have power to appoint a clerk of such court, whose duties and powers shall be as nearly as may be the same as those of the clerks of the district courts. Such clerk shall hold his office during the pleasure of the judge appointing him; and in counties having a population of less than twenty-eight thousand, the salary of such clerk shall be twelve hundred dollars per year, and in counties having a population of more than twenty-eight thousand such clerk shall receive a salary of fifteen hundred dollars per year, such salary to be paid by the county monthly in the same manner as the salaries of other county officers are paid. He shall charge and receive for acts performed by him the same fees and commissions as are now allowed by law to clerks of district courts,

except as modified by the provisions of this act. He shall keep a true account of all commissions and fees received by him in a book of record, to be kept for that purpose, and on the first day of each calendar month, shall pay all such fees and commissions to the treasurer of the county.

Approved February 20, 1917.

COUNTY SEAT

CHAPTER 101.

[S. B. No. 92—Cahill.]

LOCATION OF COUNTY SEATS.

An Act to Amend and Re-enact Section 3208 of the Compiled Laws of North Dakota for the year 1913, Relating to the Location of County Seats.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3208 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 3208. COUNTY SEAT, HOW LOCATED.] The county commissioners of such county shall have power temporarily to fix the county seat and such location shall remain the county seat until the first general election thereafter, when the qualified voters of such county are empowered to vote for and select the place of the county seat by ballot as provided by law. Provided, however, that in counties where the county seat has not been permanently located, the question of location of such county seat may be voted on at any primary election upon a petition or petitions, each to be signed by at least ten per cent of the qualified voters of such county, voting for the office of Secretary of State at the last general election, stating the date of signing and the residence of each qualified voter, designating therein the proposed county seat, which said petition shall be filed with the County Auditor at least thirty days prior to the holding of any primary election, and if more than two towns are contending for the location of the county seat at such election, then the two towns receiving the highest vote at such primary election, and these two towns only, shall be placed on the official ballot at the first following general election, and the town then receiving the highest number of votes cast for the county seat location at such general election, shall be designated the county seat of such county, and the county seat located thereat, and the question of county seat removal must not again be voted on for four years in any county where the county seat is so located.

Approved March 9, 1917.

CHAPTER 102.

[S. B. No. 87—Stenmo.]

REMOVAL OF COUNTY SEAT.

An Act to Amend and Re-enact Section 3239 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 117 of the Session Laws of North Dakota for 1915, Relating to the Frequency of Holding an Election for the Removal of County Seats not Located on the Railroad or Interstate River and Providing a Primary Election thereon and Prescribing the Number of Votes Required for such Removal.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 3239 of the Compiled Laws of the State of North Dakota for 1913, as amended by Chapter 117, 1915 Session Laws, is hereby amended and re-enacted to read as follows:

§ 3239. When an election has been held and at least two-thirds of the votes cast at such election are not cast for some other place than that fixed by law as the former county seat, no second election for the removal thereof must be held for four years thereafter, provided, however, that in counties where the county seat is not located on a railroad or interstate river, the question of county seat removal may be voted on at any primary election and if more than two towns are contending for the location of the county seat at such election, then the two towns receiving the highest vote at such primary election and these two towns only shall be placed on the official ballot at the first following general election, and the town then receiving the highest number of votes cast for the county seat location at such general election shall be designated the county seat of such county, and the county seat located thereat, and the question of county seat removal must not again be voted on for four years in any county where the county seat is so located.

The provisions as to petition, notice, ballot, etc., provided by law for election for the removal of county seats shall be applicable to the primary election therein provided for, as well as the general elections.

Approved February 26, 1917.

DAIRIES

CHAPTER 103.

[S. B. No. 233—Hamilton.]

DAIRY COMMISSION.

An Act Providing for the Issuance of Licenses from the State Dairy Department Covering Dairy Products and Providing for Revocation of Licenses issued by the Dairy Commissioner and Providing for the Fees and Licenses, Renewals Thereof and the Payment of Fees Collected Therefor into the State Treasury.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. It shall be unlawful for any person to sample or test milk, cream, or any other dairy product excepting merchants dealing in manufactured butter for the purpose of determining the commercial value of such product when bought or sold, without first having secured a license from the state dairy department and such license shall be conspicuously displayed in his place of business. Provided that in case of sickness or necessary absence, said person may appoint a substitute for six days and for a longer period subject to approval of the dairy commissioner, but said person shall be responsible for the acts of said substitute. This license shall be granted to those who shall have completed a course in milk and cream testing in any recognized college or dairy school, or, to those who shall pass an examination under the direction of the state dairy department and satisfactorily demonstrate that they are properly qualified and competent to use such test.

The dairy commissioner shall have the authority to revoke any license issued under the provisions of this act if the holder is convicted of a failure to comply with the state dairy laws. Said license shall be granted for a period of one year by the dairy department upon payment of a fee of two dollars (\$2.00), payable prior to examinations, one dollar (\$1.00) of which shall be returned in case of failure to pass said examination. In the case of a renewal of a license, a fee of one dollar (\$1.00) shall be paid.

The fees collected under the provisions of this act shall be paid into the state treasury, monthly, by the dairy commissioner to be credited to the dairy department and to be used for conducting said examinations.

Approved March 9, 1917.

CHAPTER 104.

[S. B. No. 234—Hamilton.]

DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2846 of the Compiled Laws of 1913,
Relating to License Covering Dairy Products.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] Section 2846 of the Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 2846. AMENDMENT. ANNUAL REPORT OF CREAM STATION. PRICE DISCRIMINATION FORBIDDEN.] The agent or person in charge of any cream station at which cream is purchased for shipment out of the state, shall on July first of each year or within thirty days thereafter report to the dairy commissioner the name, location and business of his employer, amount of capital stock invested in business, property or assets, liabilities and such other information pertaining to the business and conduct of the cream station of which such agent has charge, as shall be requested in writing by the dairy commissioner. Any person, partnership, firm, corporation or association engaged in the business of buying milk, cream or butterfat, for the purpose of manufacture who shall, with the intention of creating a monopoly or destroying the business of a competitor, discriminate between different sections, localities, communities or cities of this state, by purchasing such commodity at a higher price or rate in one locality than is paid for same commodity by said person, partnership, firm, corporation or association in another locality after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, shall be deemed guilty of unfair discrimination and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) or thirty (30) days' imprisonment in the county jail, or both, for conviction of first offense and not less than two hundred dollars (\$200.00), or ninety (90) days' imprisonment in the county jail, or both, for each additional offense.

§ 2. EMERGENCY.] Whereas it is necessary for the preservation of the public peace, health and safety, that this act take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws on the statute books concerning dairy products and for the due administration of the duties of the dairy commissioner, therefore, this Act shall take effect and be in force immediately after its passage and approval by the governor.

Approved March 9, 1917.

CHAPTER 105.

[S. B. No. 235—Hamilton.]

LICENSE—DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2844 of the Compiled Laws of 1913, Relating to License Covering Dairy Products.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Section 2844 of the Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 2844. LICENSE.] Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, or cream station in this state, shall be required before beginning business, or within thirty days thereafter, to obtain from the dairy commissioner a license for each and every creamery, cheese factory, renovating or process butter factory or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferrable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, or cream station license, its place of business, the location thereof, the name of the manager thereof and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein.

It shall be the duty of every person, partnership, firm or corporation, or association holding a license to operate in any plant which dairy products are handled commercially, to post in a conspicuous place such license under which they are operating, together with a summary of the dairy laws which shall be prepared and sent out from the office of the dairy commissioner.

The dairy commissioner may withhold a license from any applicant who has previously violated or refused to comply with any of the existing dairy laws or lawful requests issued by said dairy commissioner, or his authorized assistants. The dairy commissioner, may, at any time, revoke a license on evidence that licensee has violated any of the existing dairy statutes, or has refused to comply with all lawful requests of the dairy commissioner or his authorized agents.

§ 3. EMERGENCY.] Whereas, it is necessary for the perservation of the public peace, health and safety, that this act take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws now on the statute books concerning dairy products and for the due administration of the duties of the dairy commissioner; therefore, this act shall take effect and be in force immediately after its passage and approval by the governor.

Approved March 10, 1917.

DEATH

CHAPTER 106.

[S. B. No. 80—McGray.]

ACTION FOR DEATH BY UNLAWFUL ACT.

An Act to Amend and Re-enact Section 8323 of the Compiled Laws of North Dakota for the year 1913, Relating to who may bring action for death by unlawful Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 8323 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 8323. WHO MAY BRING ACTION.] The action shall be brought by the following persons in order named:

1. The surviving husband or wife, if any.
2. The surviving children, if any.
3. The surviving mother or father.
4. The personal representative.

If any person entitled to bring the action refuses or neglects so to do for a period of thirty days after demand of the person next in order, such person may bring the same.

Approved, March 1, 1917.

DEEDS AND MORTGAGES

CHAPTER 107.

[H. B. No. 259—Hoghaug.]

LEGALIZE EXECUTION AND ACKNOWLEDGMENT OF CERTAIN DEEDS, MORTGAGES AND OTHER INSTRUMENTS.

An Act to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages, and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies Thereof, Admissible in Evidence.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages and other instruments in writing affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1916, and

which have been filed or recorded in the proper counties of this state, be, and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the State of North Dakota, or of any other state, territory or county at the time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys-in-fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be legal and valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy, officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in taking or certifying to the acknowledgment of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments and it shall be prima facie presumed that such officer acted within the scope of his authority.

Approved March 10, 1917.

CHAPTER 108.

[S. B. No. 18—Carey By Request.]

MORTGAGES—FILING—ASSIGNMENTS.

An Act Relating to the Receipt and Filing by the Register of Deeds, of Mortgages and Assignments of Mortgages.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] No mortgage shall be received for record by any register of deeds in this state which does not contain the postoffice address of the mortgagee, and which does not in full describe the indebtedness secured by the said mortgage as to the amount, rate of interest, when and where due. No assignment of mortgage shall be received for record which does not contain the postoffice address of the assignee.

Approved February 19, 1917.

CHAPTER 109.

[H. B. No. 7—Lathrop, Strom, Quam, Moen.]

REDEMPTION OF REAL PROPERTY SOLD UNDER EXECUTION
AND MORTGAGE FORECLOSURE.

An Act to Amend Sections 7754 and 7758 of the Compiled Laws of North Dakota, 1913, relating to redemption from Sales of Real Property Under Execution, and Mortgage Foreclosure Sales, as amended by chapter 223 of the Session Laws of the State of North Dakota for the year 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 7754 of the Compiled Laws of North Dakota, 1913, as amended by chapter 223 of the Session Laws of the State of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

§ 7754. PAYMENT OF AND PERIOD OF REDEMPTION.] The judgment debtor or redemptioner may redeem the property from the purchaser within one year after the sale on paying the purchaser the amount of his purchase with eight per cent interest thereon together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest at the same rate on such amount; and if the purchaser is also a creditor having a prior lien to that of the redemptioner other than the judgment under which such purchase was made, the amount of such lien with interest.

§ 2. AMENDMENT.] Section 7758 of the Compiled Laws of North Dakota, 1913, as amended by Chapter 223 of the Session Laws of the State of North Dakota for the year 1915, is hereby amended to read as follows:

§ 7758. REDEMPTION. FILING OF CERTIFICATE.] In no case shall the debtor be required to pay more to effect a redemption than the purchase price with eight per cent interest from the day of sale and all taxes and assessments paid with eight per cent interest thereon from the date of payment, notwithstanding the fact that he seeks to redeem from the redemptioner. If the debtor redeems, the effect of the sale is terminated and he is restored to his estate. Upon a redemption by the debtor the person to whom the payment is made must execute and deliver to him a certificate of redemption acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the register of deeds of the county in which the property is situated, and the register of deeds must note the record thereof in the margin of the record of the certificate of sale. In case the debtor redeems from a redemptioner who has to effect his redemption paid liens on the property, other than for taxes or assessments, the redemptioner shall be subrogated to all the rights of the former holders of such liens, and the filing of written notices of such redemptions as required by section 7756 shall constitute notice of the rights of such redemptioner in

and to all the liens so held by him as equitable assignee as fully as if formal written assignments thereof had been recorded. All the statutes relating to redemptions from execution sales shall govern sales on mortgage foreclosure and these provisions shall apply to all sales hereafter made.

Approved March 10, 1917.

DEPOSITIONS

CHAPTER 110.

[S. B. No. 142—Martin.]

TESTIMONY OF INJURED PERSONS.

An Act for the Purpose of Perpetuating the Testimony of Injured Persons in Actions and Proceedings in the Courts of this State.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The testimony of a person injured may be taken and perpetuated in the following manner:

1. The party desiring the perpetuation of such testimony shall issue a written notice specifying the time and place of taking the same, which shall be served upon the party against whom proceedings for damages for such injury is intended to be commenced.

2. The notice shall be served a sufficient time before the day specified therein to allow the intended defendant party time to attend by the usual route of travel, and one day for preparation, exclusive of Sundays and the day of service.

3. The examination may be adjourned from day to day and it shall be unlawful for any person or corporation to prevent or attempt to prevent the taking of such testimony.

4. Such depositions and testimony may be taken before any officer authorized to take depositions and must be written by the officer, or in his presence by the witness or some disinterested person, and must be subscribed to by the witness if the witness is able.

5. Testimony so taken shall be sealed and endorsed with the name of the officer taking same and by him addressed and transmitted to the clerk of the district court in which the contemplated action or proceeding is intended to be commenced. It shall remain under seal until opened by the order of the court, officer or tribunal or at the request of a party to the action or proceeding or his attorney.

6. On the trial of an action brought by any person for the recovery of damages for injury against the party upon whom such notice has been served, or their successors in interest wherein it may be

material to establish the facts which such depositions prove or tend to prove. Upon proof of the death of the witness the depositions may be used by either party in the same manner as depositions of other witnesses and may be read in evidence in any stage of the action or proceeding.

7. Such depositions may be taken within or without the state and shall be authenticated in the same manner as the authentication of depositions as provided for in Section 7902 of the Compiled Laws of North Dakota for the year 1913.

§ 2. REPEAL.] All acts and parts of acts in so far as they conflict with this Act are hereby repealed.

Approved March 8, 1917.

DIPPING TANKS

CHAPTER 111.

[S. B. No. 130—Sandstrom.]

DIPPING TANKS.

An Act Relating to the Building of Dipping Tanks for Live Stock in Every Township.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. In any township in any county of this state on the presentation of a petition signed by at least six resident free holders of said township to the board of township supervisors of such township petitioning for the establishment and construction of a dipping station within such township, the board of township supervisors of such township shall submit the question of establishing such dipping station to the electors of such township at the next annual township election. The form of ballot to be used at such election shall be as follows:

For dipping tanks..... ☐

Against dipping tanks..... ☐

Each voter shall place at the right of the proposition he favors in a square for the purpose the mark X. If a majority of the ballots cast are in favor of such township dipping station it shall be the duty of the township board of supervisors to construct and maintain such dipping station at a place within the township which will be convenient and accessible to the residents thereof. The cost of such dipping station shall be paid from the township treasury. In the construction of such dipping station it shall be the duty of the township supervisors to make the work co-operative among farmers or live stock owners as far as possible, and give to the farmers or live stock owners credit against dipping charges for neces-

sary labor performed, it being the purpose of this act to have the work done in the most efficient manner by those most interested in maintaining a good standard of health in the flocks and herds of the community interested at the least expense which cost shall be paid out of funds in the township treasury.

§ 2. The Board of Township Supervisors of such township shall upon the establishment of such dipping station appropriate the necessary amount of money for the purpose of purchasing material and chemicals used in the operation of such station.

§ 3. The Board of Township Supervisors shall at their discretion levy dipping fee pro rata, in no case to exceed the actual cost to the township for material and labor used in construction and operating such station; such fee to be paid in cash.

§ 4. This Act shall not be construed to repeal sections 2780 to 2785 inclusive of the Compiled Laws of the State of North Dakota for the year 1913, but shall be construed to be supplementary thereto.

§ 5. REPEAL.] All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 8, 1917.

DISTRICT JUDGES

CHAPTER 112.

[S. B. No. 76—Senate Judiciary Committee.]

DISTRICT JUDGES.

An Act to Amend and Re-enact Section 773 of the Compiled Laws of North Dakota for 1913, Relating to the Calling in and Payment of the Expenses of District Judges Called to Sit in the Place of District or Supreme Court Judges Disqualified from Serving.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 773 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 773. DISTRICT JUDGES REIMBURSED IN CERTAIN CASES.] In case a judge of the supreme court shall be in any way interested in a cause brought before said court, the remaining judges of said court shall call one of the district judges of the state to sit with them on the hearing of said cause, and in case a judge of any district court shall be disqualified in any cause and the judge of another district is called to sit in his place in such cause, and in either case, the district judge so called shall be entitled to receive his actual and necessary expenses, said sum to be paid out of the general

fund of the state upon an itemized account properly verified by the judge entitled thereto.

Approved March 8, 1917.

DISTRICT COURT

CHAPTER 113.

[H. B. No. 73—Prater.]

BOUNDARIES OF, AND TERMS OF COURT IN SIXTH JUDICIAL DISTRICT.

An Act to Amend and Re-enact Section 752 of the Compiled Laws of the State of North Dakota, for the year 1913, Relating to the Boundaries of and Terms of Court in the Sixth Judicial District.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 752 of the Compiled Laws of North Dakota for 1913 is amended to read as follows:

§ 752. BOUNDARIES AND TERMS OF COURT.] The Sixth Judicial District consists of the counties of Burleigh, Emmons, Kidder, McLean, Sheridan and Logan and is divided in judicial subdivisions as follows:

1. The first subdivision consists of the county of Burleigh, and four terms of the district court shall be held each year at the county seat thereof, commencing on the third Tuesday in February, the second Tuesday in May, the first Tuesday in September and the first Tuesday in December, but a jury shall not be called for the February and September term of court unless in the opinion of the judge there is sufficient business of the court to require a jury.

2. The second subdivision consists of the county of Emmons and two terms of the district court shall be held each year at the county seat thereof, commencing on the first Tuesday in February and the first Tuesday in October.

3. The third subdivision consists of the county of Kidder and two terms of the district court shall be held at the county seat thereof each year, commencing on the second Tuesday in January and the second Tuesday in July.

4. The fourth subdivision consists of the County of McLean and two terms of the district court shall be held each year at the county seat thereof, commencing on the second Tuesday in June and the second Wednesday in November.

5. The fifth subdivision consists of Sheridan County and two terms of the district court shall be held therein at the county seat each year, commencing on the third Tuesday in March and the third Tuesday in October.

6. The Sixth subdivision consists of the county of Logan and two terms of the district court shall be held each year at the county seat thereof, commencing on the first Tuesday in March and the third Tuesday in September.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 15, 1917.

DRAINAGE

CHAPTER 114.

[H. B. No. 157—Lathrop and Tenneson.]

DRAINAGE.

An Act Granting Additional Powers and Duties to Drainage Districts, Drainage Boards, Drain Commissioners or other Drainage Officials of this State by Co-operating, Jointly and Severally, with the Drainage Districts, Drainage Boards, Drain Commissioners, or other State officials, in any adjoining State concerning Drainage and Control of Boundary Waters; Accomplishing Uniform Methods of Procedure in the States Concerned Relative to Drainage Matters and Drainage Areas, and Providing for joint Conferences of Drainage Boards.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Whenever under the laws of any adjoining state and drainage districts, any drainage board, drain commissioners or other state officials shall be authorized by the laws of such state to co-operate with any drainage district, drain commissioners, or other drainage officials of the state, for the purpose of better effectuating drainage conditions and the reclamation of flooded areas, in any of the states affected, by mutual co-operation in proceedings that may be had under the drainage laws of any of the states affected, any drainage commissioners or drainage board established under the laws of this state, may either jointly or severally, co-operate with any similar drainage district or drainage board, so authorized to do in any adjoining state, and with each other, and are herewith directly empowered so to do, in the establishment of any drainage area or drainage basin in any of such states affecting boundary waters between such states and the drainage and control thereof, and lands affected thereby situated in such states for the purpose of accomplishing uniform methods of procedure in the respective states concerned in the drainage matters.

§ 2. In order to effectuate such co-operation, any such drainage district, drainage board or drain commissioners are herewith empowered to meet in joint conference to agree upon joint plans

of procedure, to employ jointly a competent engineer and to carry into effect the plans and suggestions adopted at any such joint conference as the same may affect the drainage district or area affected in this state, conformable and in accordance with the laws of this state now existing with reference to the construction of drains and drain improvements, and to assess the costs thereof upon the drainage district or area affected in accordance with the benefits received.

§ 3. It is the intention of this Act to impose upon any drainage commissioners or boards established, or to be established under the laws of this state, additional powers and duties for the purpose of affecting uniform methods and systems of drainage and reclamation on boundary line waters between this state and other adjoining states, and in the drainage areas and districts that are affected thereby in the states concerned.

§ 4. This act shall not be construed to repeal any provisions of law now existing relating to drains or their establishment, but simply to amplify the duties and powers of the drainage commissioners or drainage boards established thereunder.

Approved March 10, 1917.

CHAPTER 115.

[H. B. No. 175—Byrne.]

IRRIGATION DISTRICTS.

An Act to provide for the Creation, Organization, Government and Extension of Irrigation Districts.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. IRRIGATION DISTRICTS; ORGANIZATION; ELECTORS.] Whenever a majority of the electors owning lands or holding leasehold estates in the manner and to the extent hereinafter provided in any district susceptible of one mode of irrigation from a common source and by the same system of works, desire to provide for the irrigation of the same, they may propose the organization of an irrigation district under the provisions of this act, and when so organized, each district shall have the powers conferred or that may hereafter be conferred by law upon such irrigation district. Provided, that where ditches or canals have been constructed before the passage of this act of sufficient capacity to water the lands thereunder for which the water taken in such ditches is appropriated, such ditches and franchises and the land subject to be watered thereby, shall be exempt from operation of this law, except such district shall be formed to make purchase of such ditches, canals and franchises. Provided, that this law shall not be constructed to in any way affect the rights of ditches already constructed. Provided, further, that the term elector, as used in this chapter shall include any

resident of the State of North Dakota, owning not less than ten acres of land within any district or proposed district, or entryman upon public lands therein, or any resident of the State of North Dakota holding a leasehold estate in not less than forty acres of State land within said district for a period of not less than five years from the date at which said elector seeks to exercise the elective franchise. Provided, however, when the elector is the owner or entryman of land in more than one division of the irrigation district and reside without the district he shall be considered an elector in that division of the district in which the major portion of his land is situated.

§ 2. DISTRICT, HOW FORMED.] A petition shall be filed with the Board of County Commissioners, signed by a majority of the said electors of the proposed district who shall be entrymen upon or shall own, or hold leasehold estates in a majority of the whole number of acres owned or held by the electors of the proposed district, which petition shall set forth and particularly describe the boundaries of said district and shall pray that the same be organized under the provisions of this article. The petitioners must accompany the petition with a map of the proposed district. Said map shall show the location of the proposed canal or the works by means of which it is intended to irrigate the lands of the proposed district, and canals situated within the boundaries of the proposed district: Provided, canals that merely pass through said lands, and which do not irrigate any of the same, need not be shown. If the water supply be from natural streams, the flow of said stream or streams shall be stated in cubic feet per second.

If the water supply for the district is to be gathered by storage reservoirs, the map shall show the location of the proposed reservoirs and shall give their capacity in acre feet.

The map shall be drawn to a scale of two inches to the mile. Cross sections of the proposed canal, and all canals existing within the boundaries of the proposed district and shown on the map, and of all proposed dams and embankments, shall be given in sufficient detail to show the contemplated method of construction, and the capacity shall be given in cubic feet per second of the proposed and said existing canals. Such cross sections shall be drawn to a scale of ten feet to the inch, and said map and cross sections shall be certified to by a competent irrigation engineer. The petition must be accompanied with a good and sufficient bond, to be approved by the said Board of County Commissioners, in double the amount of the probable cost of organizing such district, conditioned that the sureties will pay all costs in case said organization shall not be effected. Such petition shall be published for at least two weeks prior to the date when the same is to be presented, in some newspaper printed and published in the County where the petition is presented, together with a notice stating the date of the meeting at which same will be presented. A copy of such petition and all maps and other papers filed with the same shall be filed in the office

of the State Engineer for at least four weeks before the date set for such hearing. It shall be the duty of the State Engineer to examine such petition, maps and other papers, and if he deem it necessary, to further examine the proposed district, the works proposed to be purchased, or the location of the works to be constructed, and he shall prepare a report upon the matter in such form as he deems advisable, and submit the same to the said Board of County Commissioners, at the meeting set for the hearing of said petition. At the time set for said hearing the said Board may amend such plan of irrigation as they may find advisable, and when they shall have determined to proceed with the matter, the said Board may adjourn such hearing from time to time, not exceeding four weeks in all, and on the final hearing may make such changes in the proposed boundaries as they may find to be proper, and shall establish and define the boundaries; Provided, the said Board shall not change the boundaries so as to exempt from the operation of this article any territory within the boundaries of the district proposed by the petitioners, which is susceptible of irrigation by the same system of works applicable to the other lands in such proposed district; nor shall any land which will not, in the judgment of said Board, be benefited by irrigation by said system be included in such districts: Provided, any person whose lands are susceptible of irrigation from the same source, shall, upon application of the owner to the said Board, be entitled to have such lands included in such district. The said Board shall also make an order dividing the district into three, five or seven divisions, as they may deem proper, and be as nearly equal in size as may be practicable, and which shall be numbered, and one director shall be elected for each division.

The said Board shall then give notice of an election to be held in such proposed district, for the purpose of determining whether, or not, the same shall be organized under the provisions of this article. Such notice shall describe the boundaries as established and shall designate a name for such proposed district, and said notice shall be published for at least three weeks prior to such election in a newspaper in the county; and if any portion of such proposed district lies within another county, or counties, then said notice shall be published in a newspaper published within each of said counties. Such notice shall require the electors to cast ballots which contain the words, "Irrigation District—Yes," or "Irrigation district—No." or words equivalent thereto; and also the names of persons voted for to fill various elective offices herein-after prescribed. No person shall be entitled to vote at any election held under the provisions of this article unless he shall be a qualified elector.

§ 3. SAME—ELECTION—ORGANIZATION.] Such election shall be conducted in accordance with the general laws of the state. The said County Board shall meet on the second Monday next succeeding such election and proceed to canvass the vote cast thereat; and if upon such canvass it appears that a majority of all the votes cast

are "Irrigation District—Yes," the said Board shall, by an order entered on their minutes, declare such territory duly organized as an irrigation district, under the name and style therefor designated, and shall declare the persons receiving the highest number of votes for such several offices to be duly elected to such offices. The said Board shall cause a copy of such order, duly certified, to be immediately filed for record in the office of the county register of deeds of each county in which any portion of such lands are situated, and must also immediately forward a copy thereof to the clerk of the Board of County Commissioners of each of the counties in which any portion of the district may lie; and no Board of County Commissioners of any county, including any portion of such district, shall, after the date of the organization of such district, permit another district to be formed including any of the lands of such district, without the consent of the Board of Directors thereof; and from and after the date of such filing, the organization of such district shall be complete, and the officers thereof shall be entitled immediately to enter upon the duties of their respective offices, upon qualifying in accordance with law, and shall hold such offices until their successors are elected and qualified.

For the purpose of the election above provided for the said County Board must establish a convenient number of election precincts in the said proposed district, and define the boundaries thereof, which precincts may thereafter be changed by the Board of Directors of such district.

§ 4. OFFICERS—ELECTION—TERM—BOND.] The officers elected in compliance with the foregoing sections upon qualifying as hereinafter provided, shall hold their respective offices until the next general election for irrigation district, when their successors shall be elected. At such general election the assessor, treasurer and member of the Board of Directors having the highest number of votes shall hold their respective offices for the term of three years; a member of the Board of Directors having the next highest number of votes shall be declared to be elected for two years; the member of the Board of Directors having the next highest number of votes shall be elected for one year. In case of a tie, the election, or the term of office of the members tying shall be determined by lot. Each year thereafter there shall be elected for a term of three years, one member of said Board of Directors, and every three years thereafter an assessor and treasurer, the term of office of each of whom shall be three years. The member of the said Board of Directors shall be nominated and elected by a majority vote of the electors of the division in the irrigation district for which he is to serve as such director. The regular election of said district shall be held on the first Tuesday in January. Within ten days after receiving their certificates of election hereinafter provided for said officers shall take and subscribe the official oath. The assessor shall execute an official bond in the sum of \$500.00, the district treasurer, an official bond in the sum of not less than \$1,000.00, and not less

than double the amount of money that may come into his hands, the amount to be determined by the Board of Directors, said bond to be approved by the Board of Directors, and each member of said Board of Directors shall execute an official bond in the sum of \$1,000.00, which bond shall be approved by the judge of the District Court in the county where such organization was effected, and after such approval all bonds shall be recorded in the office of the register of deeds of such county. Provided, that in case any district organized hereunder is appointed fiscal agent of the United States or by the United States is authorized to make collections of money for and on behalf of the United States in connection with any federal reclamation project, such treasurer and each such director shall execute a further additional official bond in such sum as the Secretary of the Interior may require, conditioned for the faithful discharge of the duties of his office and the faithful discharge by the district of its duties as fiscal or other agent of the United States under any such appointment or authorization; such additional bonds to be approved, recorded and filed as herein provided for other official bonds, and any such additional bonds may be sued upon by the United States or any person injured by failure of such officer or district to fully, promptly and completely perform their respective duties. All official bonds herein provided shall be in the form prescribed by law for official bonds of county officers, except the obligee named in said bond shall be the said district. The officers elected shall assume the duties of their office the first Monday in March after their election; Provided, all incumbents shall hold their respective offices until their successors are elected and qualified, as above provided.

§ 5. SUBSEQUENT ELECTIONS.] Fifteen days before any election held under the provisions of this article, subsequent to the organization of the district, the secretary of the Board of Directors shall cause notice to be posted in three public places in each election precinct of the time and place of holding the election, and shall also post a general notice of the same in the office of the Board, specifying the polling places of each precinct. Prior to the time for posting the notices the Board must appoint from each precinct, from the electors thereof, one clerk and two judges, who shall constitute a Board of Election for such precinct. If the board fails to appoint a board of election, or the members appointed do not attend at the opening of the polls on the morning of election, the electors of the precinct present at that hour may appoint the board, or supply the place of an absent member thereof. The Board of Directors must, in its order appointing the board of election, designate the hour and place in the precinct where the election must be held.

§ 6. SAME—QUALIFICATIONS OF ELECTION OFFICERS.] One of the judges shall be chairman of the election board and may: First, administer all oaths required in the progress of an election. Second, appoint judges and clerks, if during the progress of the election any judges or clerk ceases to act. Any member of the board of

election, or clerk thereof, may administer and certify oaths required to be administered during the progress of an election. Before opening the polls each member of the board must take and subscribe to an oath to faithfully perform the duties imposed by law. Any elector of the precinct may administer and certify such oath. The polls must be opened at eight o'clock on the morning of the election and be kept open until six o'clock P. M. of the same day; provided that in districts embracing twelve thousand acres, or less, the polls may be opened at one o'clock P. M. and be kept open until five-thirty o'clock P. M. of the same day.

§ 7. SAME—RETURN AND CANVASS OF VOTE.] No lists, tally paper, or certificate returned from any election shall be set aside or rejected for want of form if it can be satisfactorily understood. The Board of Directors must meet at its usual place of meeting on the first Monday after each election and canvass the returns. If at the time of meeting the returns from each precinct in the district in which the polls were opened have been received, the Board of Directors must then and there proceed to canvass the returns; but if all the returns have not been received the canvass must be postponed from day to day until all the returns have been received, or until postponements have been had. The canvass must be made in public, and by opening the returns and ascertaining the vote of the district for each person voted for and declaring the result thereof.

§ 8. DECLARATION OF RESULT—CERTIFICATES OF ELECTION.] The Secretary of the Board of Directors must, as soon as the result is declared, enter upon the records of such board a statement of such results, which statement must show:

First: The whole number of votes cast in the district and in each division of the district.

Second: The name of the persons voted for.

Third: The office to fill which each person was voted for.

Fourth: The number of votes given in each precinct for each of such persons.

Fifth: The number of votes given in the district for each of such persons.

The Board of Directors must declare elected the person having the highest number of votes given for each office. The Secretary must immediately make out and deliver to such person a certificate of election, signed by him and authenticated with the seal of the district. In case of a vacancy in the office of assessor or treasurer, the vacancy shall be filled by appointment by the Board of Directors; in case of a vacancy in the office of member of the Board of Directors, the vacancy shall be filled by appointment by a majority of the remaining members of the Board and district treasurer. Any officer appointed, as above provided, shall hold his office until the next general election of said district and until his successor is elected and qualified.

§ 9. BOARD OF DIRECTORS—POWERS AND DUTIES.] On the first Wednesday following their election the directors shall meet

and organize as a board, elect a president from their number, and appoint a secretary who need not be a member of the Board. The board shall have the power, and it shall be its duty to manage and conduct the business affairs of the district, make and execute all necessary contracts, employ such agents, officers and employees as may be required and prescribe their duties, adopt a seal for said district, which shall be kept in the custody of the secretary, establish equitable by-laws, rules and regulations for the distribution and use of water, and generally to perform all such acts as shall be necessary to fully carry out the purposes of this article. The said by-laws, rules and regulations shall be printed in convenient form for distribution. All water rights shall be appurtenant to the land. If any tract of land, or any part thereof, to which a water right has attached shall at any time become sub-irrigated, to the extent that water is no longer of any benefit thereon for irrigation purposes, the owner or entryman thereof may make application to the irrigation district board to relieve such lands so sub-irrigated from the district assessment as provided herein, releasing in such application all claim to such water right as may belong to, or that has been applied to or upon said lands until such time as the said lands may be drained and water may again be applied to beneficial use. Provided, that such land owner or entryman may apply for a permit to transfer such water right to any other lands to which the same may be beneficially applied, and apply to have such new or additional tract included within the boundaries of such district as provided by law and the exclusion of such lands, and the inclusion of the new tract as herein contemplated. The Board shall thereupon make the appropriate order of suspension of assessment, or of the exclusion and inclusion of the lands, and the transfer of the water right. A certified copy of such order shall be filed for record and recorded in the office of the register of deeds in the county in which such land is situated, and thereafter all the obligations against such lands from which such water right has been taken, arising by reason of such water right, shall thereupon be cancelled and such obligation shall follow and attach with such water right to the land so included, if any. Provided, nothing herein contained shall authorize or empower the Board of Directors to include any land within its district unless the owner or lessee thereof shall pay or obligate such land to pay the same rate per acre for such water as all other lands have originally paid or shall have been obligated for, to cover costs of construction. It shall be the duty of the directors to make all necessary arrangements for right of way for laterals from the main canal to each tract of land subject to assessment, and when necessary the Board shall exercise its right of eminent domain to procure right of way for laterals and shall make such rules in regard to the payment for such right of way as may be just and equitable: Provided, this section shall not be construed to deprive any person, persons, company or corporation now entitled thereto, to exercise the right of eminent domain.

§ 10. SAME—MEETINGS—QUORUM—RECORD.] The Board of Directors shall hold regular meetings in their office on the first Tuesday of each month and continue in session from 10 o'clock A. M. to 4 o'clock P. M. each of said days and such special meetings as may be required for the proper transaction of business. Provided, all special meetings shall be ordered by the President of the Board, the order must be entered of record, and five days' notice thereof must be given each member. The order must specify the business to be transacted, and no other than that specified shall be transacted at such special meeting. All meetings of the Board must be published, and a majority of the members shall constitute a quorum for the transaction of business and upon all questions requiring a vote there shall be a concurrence of at least a majority of such Board. All records of the Board must be open to the inspection of any elector during business hours, and said Board shall cause to be published at the close of each regular or special meeting a brief statement of the proceedings thereof in one newspaper of general circulation in the district, if same can be done at an expense not exceeding one third of the legal rate for advertising notices. The Board, its agents and employees shall have the right to enter upon any land within the district, to make surveys, and may locate the line of any canal, or canals, and the necessary branches for such location. The Board shall also have the right to acquire either by purchase or condemnation, all lands and waters and other property necessary for the construction, use, maintenance and repair and improvement of any canals, power plants of any kind or nature, and lands for reservoirs for storage of water and all necessary appurtenances. The Board shall also have the right to acquire by purchase or condemnation any irrigation works, power plant, ditches, canals or reservoirs already constructed, for the use of said district. In case of purchase, the bonds of the district hereinafter provided for may be used at their par value in payment. The Board may also construct the necessary dams, reservoirs and works for the collection of water for the district and do any and every lawful act necessary to be done that sufficient water may be furnished to each tract of land in the district for irrigation purposes, and may enter into any obligation or contract with the United States for the construction, operation and maintenance of the necessary work for the delivery and distribution of water therefrom under the provision of the Federal Reclamation Act and all acts amendatory thereof, or supplementary thereto, and the rules and regulations established thereunder; or the Board may contract with the United States for a water supply under any act of congress providing for or permitting such contract, and in case contract has been, or may be hereafter made with the United States as herein provided, bonds of the district may be deposited with the United States at ninety per cent of their par value, to the amount to be paid by the district to the United States under any such contract, the interest on such bonds to be provided for

by assessment and levy as in the case of other bonds of the district and regularly paid to the United States to be applied as provided in such contract, and if bonds of the district are not so deposited it shall be the duty of the Board of Directors to include as part of any levy or assessment provided for in Section 19 of this Act, an amount sufficient to meet each year all payments accruing under the terms of any such contract; and the Board may accept on behalf of the district appointment of the district as fiscal agent of the United States, or authorization of the district by the United States to make collections of money for and on behalf of the United States in connection with any federal reclamation project, whereupon the district shall be authorized to so act and to assume the duties and liabilities incident to such action, and the said Board, shall have full power to do any and all things required by the federal statutes in connection therewith, and all things required by the rules and regulations established by any department of the federal government in regard thereto. The use of all water required for irrigation of lands of any district formed under the provisions of this article, together with canals and ditches already constructed, the rights of ways for canals and ditches, sites for reservoirs, and pumping plants, and all other property required in fully carrying out the provisions of this article, is hereby declared to be a public use, subject to the regulation and control of the state in the manner prescribed by law. If contract is made with the United States, as in this section provided, and bonds are not to be deposited with the United States in connection with such contract, bonds need not be issued, or if required to raise funds in addition to the amount of such contract, shall be issued only in the amount needed in addition thereto.

§ 11. TITLE TO PROPERTY.] The legal title to all property acquired under the provisions of this article shall immediately, and by operation of law, vest in such irrigation district in its corporate name, and shall be held by such district in trust for, and is hereby dedicated and set apart to the uses and purposes set forth in this article. The Board is hereby authorized and empowered to hold, use, and acquire, manage, occupy and possess such property as herein provided.

§ 12. MAY ACQUIRE PROPERTY, SUE AND BE SUED, ETC.]. The Board is hereby authorized and empowered to take conveyances or other assurances for all property acquired by it under the provisions of this article, in the name of such irrigation district, to and for the uses and purposes herein expressed, and to institute and maintain any and all actions and proceedings, suits at law or in equity, necessary or proper in order to fully carry out the provisions of this article, or to enforce, maintain, protect, or preserve any and all rights, privileges and immunities created by this article, or acquired in pursuance thereof. In all courts, actions, suits or proceedings, the Board may sue, appear and defend, in person or by attorneys, in the name of such irrigation district.

§ 13. BONDS, WHEN ISSUED, INTEREST.] As soon as practicable after the organization of any such district, the Board of Directors shall, by a resolution entered on its record, formulate a general plan of its proposed operation, in which it shall state what constructed works or other property it proposed to purchase and the cost of purchasing the same; and further, what construction work it proposed to do and how it proposed to raise the funds for carrying out said plan. For the purpose of ascertaining the cost of any such construction work, the Board shall cause such surveys, examinations, and plans to be made as shall demonstrate the practicability of such plan, and furnish the proper basis for an estimate of the cost of carrying out the same. All such surveys, examinations, maps, plans, and estimates, shall be made under the direction of a competent irrigation engineer and certified by him. The Board shall then submit a copy of the same to the State Engineer within ninety days thereafter, who shall file a report upon the same with the Board, which report shall contain such matters as in the judgment of the said State Engineer may be desirable. Upon receiving the report, the Board of Directors shall proceed to determine the amount of money necessary to be raised, and if a bond issue is contemplated, shall immediately thereupon call a special election, at which shall be submitted to the electors of such district possessing the qualifications prescribed by this act, the question of whether, or not, the bonds of said district shall be issued and the amount so determined: Provided, such bonds shall not be issued for more than the actual estimated cost of said ditches, the purchase price of ditches, the cost of construction work, all as contained in its general plan of operation as well as the first years' interest upon such bond issued.

Notice of such election must be given by posting notice in three public places in each election precinct in said district for at least twenty days, and also by publication of such notice in some newspaper, published in the county where the office of the Board of Directors of such District is required to be kept, once a week for at least three successive weeks. Such notice must specify the time of holding the election, the amount of bonds proposed to be issued, and the election must be held, and the result thereof determined and declared in all respects as nearly as practicable in conformity with the provisions of this act governing the election of officers: Provided, no informalities in conducting such an election shall invalidate the same if the election shall have been otherwise fairly conducted. At such election, the ballots shall contain the words, "Bonds—Yes," and "Bonds—No," or words equivalent thereto. If a majority of the ballots cast are "Bonds—Yes," the Board of Directors shall immediately cause bonds in said amount to be issued; such bonds shall be payable in lawful money of the United States, as follows, to-wit: At the expiration of eleven years, not less than five per cent of said bonds; at the expiration of twelve years, not less than six per cent; at the expiration of thirteen years, not less

than seven per cent; at the expiration of fourteen years, not less than eight per cent; at the expiration of fifteen years, not less than nine per cent; at the expiration of sixteen years, not less than ten per cent; at the expiration of seventeen years, not less than eleven per cent; at the expiration of eighteen years, not less than thirteen per cent; at the expiration of nineteen years, not less than fifteen per cent; and for the twentieth year a percentage sufficient to pay off said bonds, and shall bear interest at the rate of six per cent per annum, payable semi-annually, on the first day of January and July of each year. The principal and interest shall be payable at the office of the treasurer of the county in which said district was originally organized. The bonds shall be each of the denomination of not less than one hundred dollars nor more than five hundred dollars, shall be negotiable in form, executed in the name of the district and signed by the president and secretary, or by their lithographic fac simile, and the seal of the district shall be affixed thereto. They shall be numbered consecutively as issued and bear date at the time of their issue. Coupons for the interest shall be attached to each bond, signed by the president and secretary. The bonds shall express on their face that they were issued by the authority of this article, stating its title and date of approval. Each bond shall be made payable at a given time for its entire amount, and the bonds issued in series only, each series being payable at the expiration of a certain number of years, as hereinbefore set forth. The Secretary shall keep a record of the bonds sold, their number, date of sale, the prices received, and the name of the purchaser; Provided, any such district may by a majority vote provide for the issuance of bonds that will mature in any number of years less than twenty, and arrange for the payment thereof in installments at the same ratio as above provided; and provided further, such district by a majority vote may provide and authorize the payment of interest at a rate not exceeding six per cent per annum on any or all due and unpaid interest coupons attached to valid and outstanding bonds of such district heretofore or hereafter issued and sold, for the date of registration of such interest coupons for payment, or if previously registered, then from the date of such election to pay such interest, until paid. Such question may be submitted at any general or special election of the district by ballot which shall generally describe the bonds to which such coupons are attached upon which such interest is to be paid, by number, series, and date of issue, and such ballots shall be substantially the following form:

"For the payment of interest or coupons attached
to bonds numbered Yes..... ☐
Series dated at No..... ☐
per cent per annum."

Such election shall be governed by the laws now in force relating to bond elections in such districts, and if a majority of the

ballots cast on such proposition shall be in favor thereof the Board of Directors shall declare the same adopted and the funds to pay such interest shall be estimated and included in the levy for the bond fund of such irrigation district as provided by law. Thereafter, upon the presentation of any bond with coupons attached, or any detached coupons of such bonds, upon which interest is payable under the provisions of this article, the treasurer shall stamp or write on such coupons:

"bears interest at.....per cent per annum from the registration for payment (or if previously registered for payment, then from the date of election to pay interest.)

.....
County Treasurer.

And payment of such coupon shall include the payment of the interest accruing under this article.

At least as often as once a year after organization, the Board of Directors shall make a report to the State Engineer of the condition of the work of construction, as to capacity, stability and permanency, and whether or not the plan of irrigation formulated under the provisions of this title is being successfully carried out, and whether or not in the opinion of the Board, the funds available will complete the proposed works. Upon the receipt of such report by the State Engineer he shall make such suggestions and recommendations to such Board of Directors as he may deem advisable for the best interest of the district.

§ 14. BONDS. SALE OF. NOTICE.] The Board may sell such bonds from time to time in such quantities as may be necessary and most advantageous to raise the money for the construction of such canals and works, the acquisition of property and rights, and otherwise to fully carry out the object and purposes of this article. Before making any sale, the Board shall at a meeting, by resolution declare its intention to sell a specified amount of the bonds, and the day and hour and place of such sale, and shall cause such resolution to be entered in the minutes, and notice of sale to be given by publication thereof at least twenty days in a daily newspaper published in each of the cities of Bismarck and Fargo, and in any other newspaper, at their discretion. The notice shall state that sealed proposals will be received by the Board at their office, for the purchase of the bonds till the day and hour named in the resolution. At the time appointed the Board shall open the proposals and award the purchase of the bonds to the highest responsible bidder, and may reject all bids; but said Board shall in no event, sell any of said bonds for less than ninety-five per cent of the face value thereof.

§ 15. SAME. HOW PAID.] Such bonds, and the interest thereon shall be paid by revenue derived from an annual assessment upon the real property of the district, and all real property of the district shall be and remain liable to be assessed, for such payments as herein provided, and for all payments due or to become

due to the United States under any contract between the district and the United States, accompanying which bonds of the district have not been deposited with the United States as in Section 10 of this Act provided.

§ 16. APPORTIONMENT OF BENEFIT.] The assessor must between the first Monday in March and the first Monday in May of each year, examine each tract or legal subdivision of land in said district including entered and unentered public lands of the United States subject thereto under the act of Congress approved August 11, 1916, entitled an Act to promote the irrigation of arid lands, and shall determine the benefits which will accrue to each of such tracts or subdivisions on account of the construction or acquisition for such irrigation works; and the amount so apportioned or distributed to each of said tracts or subdivisions as finally equalized or confirmed by the court as the case may be, shall be and remain the basis for fixing the annual assessments levied against such tracts or subdivisions in carrying out the purposes of this Act. Such assessor shall make or cause to be made, a list of such apportionment or distribution, which list shall contain a complete description of each subdivision or tract of land of such district with the amount and rate per acre of such apportionment or distribution of cost, and the name of the owners thereof; or he may prepare a map on a convenient scale showing each of said subdivisions or tracts with the rate per acre of such apportionment entered thereon; provided, that where all lands on any map or section of a map are assessed at the same rate, a general statement to that effect shall be sufficient. Said list or map shall be made in duplicate and one copy of each shall be filed in the office of the State Engineer and one copy shall remain in the office of the Board of Directors for public inspection. Whenever any assessment is made either in lieu of bonds, of any annual levy, for raising the interest on bonds, or any portion of the principal or the expenses of maintaining the property of the district, or any special assessment voted by the electors, it shall be spread upon the lands in proportion to the benefits received, and the whole of the assessment of benefits shall equal the amount of bonds or other obligations authorized at the election last above mentioned. Provided, however, the assessment of any property in the name of the wrong person shall in no way invalidate the assessment thereof.

The assessor shall also determine and list the amount payable by each tract obligated to the United States by contract, if any, for the payment of water charges.

§ 17. EQUALIZATION.] On or before the fifteenth day of May in each year the assessor must complete his assessment roll and deliver it to the secretary of the Board, who must immediately give notice thereof, and of the time the Board of Directors acting as a Board of Equalization will meet to equalize assessments, by publication in a newspaper published in each of the counties comprising the district. The time fixed for the meeting shall not be

less than ten, nor more than twenty days from the first publication of the notice; and in the meantime the assessment roll must remain in the office of the Secretary for the inspection of all persons interested.

§ 18. SAME. DUTIES OF BOARD.] Upon the day specified in the notice required by the preceding section for the meeting of the Board of Directors which is hereby constituted a Board of Equalization for that purpose, it shall meet and continue in session from day to day, so long as may be necessary, not to exceed ten days exclusive of Sundays, to hear and determine such objections to the apportionment of benefits and assessment as may come before them; and the Board may change the apportionment of benefits and assessment as may be just. The Secretary of the Board shall be present during its session, and note the changes made in the valuation and assessment of property, and in the names of the persons whose property is assessed; and within ten days after the close of the session he shall have the total values and assessment as finally equalized by the Board, extended into columns and added.

§ 19. LEVY. BOND FUND. COLLECTION.] The Board shall then levy an assessment sufficient to raise the annual interest on the outstanding bonds, and all payment due, or to become due the ensuing year to the United States under any contract between the district and the United States, which when collected, shall be called the "Bond and United States Contract fund of..... Irrigation District," and at the expiration of ten years after the issuing of the bonds the Board must increase said assessment for the ensuing years in a percentage of the whole amount of bonds outstanding, as follows: For the eleventh year, five per cent; for the twelfth year, six per cent; for the thirteenth year, seven per cent; for the fourteenth year, eight per cent; for the fifteenth year, nine per cent; for the sixteenth year, ten per cent; for the seventeenth year, eleven per cent; for the eighteenth year, thirteen per cent; for the nineteenth year, fifteen per cent; and for the twentieth year, a percentage sufficient to pay off said bonds. If the Board deem it necessary, it may at the time levy an assessment for the care and maintenance of irrigation works already constructed and for the payment of salaries of officers and general expenses, which assessment shall be called the "General Fund of..... Irrigation District." The Secretary of the Board must compute and enter in separate columns of the assessment books the respective sums of dollars and cents in each fund, together with the sum payable by each tract obligated to the United States by contract, if any, for the payment of water charges, to be paid on the property therein enumerated; and the said secretary shall certify to the auditor of the county in which the said land is located, the amount of such taxes in each fund levied upon each tract of land by said board, including sums due to the United States and said County Auditor shall enter the amount of each fund in separate columns of the tax list of his county; and all tax lists when

delivered to the county treasurer shall contain all taxes in each fund levied on each tract of land by the Board of such irrigation district, and General Fund tax mentioned above shall be collected by the county treasurer at the same time and in the same manner as all other taxes are collected in this state; provided, however, such county treasurer shall receive in payment of the general fund tax above mentioned for the year in which said tax is levied, warrants drawn against said general fund, the same as so much lawful money of the United States, if such warrants do not exceed the amount of the general fund tax which the person tendering the same owes; Provided, further, that such county treasurer shall accept and issue receipt therefor whenever same may be tendered; and shall receive in payment of the district bond fund tax above mentioned, for the year in which said taxes were levied, interest coupons past due issued by said irrigation district the same as so much lawful money of the United States, if such interest coupons do not exceed the amount of the district bond fund which the person tendering the same owes. All such taxes collected, or received, for the district bond and general funds, either in money, interest coupons or warrants on general fund, by the treasurer of any county other than the one in which the district was originally organized, shall be remitted by him to the treasurer of the county in which the district was originally organized; such remittance to be made on the fifth day of each and every month from and after the time this act shall take effect. All such taxes collected or received from the general fund of said district by the treasurer of the county in which the district was originally organized shall be paid to the treasurer of such irrigation district, upon an order signed by the president and secretary of such district and all warrants received in payment of general fund taxes may be turned over, as so much money, to the district treasurer on such orders. In case of the neglect or refusal of a Board of Directors of any irrigation district to cause an assessment and levy to be made for the payment of principal and interest of outstanding bonds, and for all payments due or to become due the ensuing year to the United States, under any contract between the district and the United States and for expenses incurred in organizing said district, as in this act provided, then the assessment of property made for the preceeding year together with any sums due to the United States in accordance with the terms of existing contract shall be adopted and shall be the basis and assessment for the district and the county board of the county in which the district was originally organized shall cause an assessment roll of said district to be prepared, and shall make the levy for the payment of the principal and interest on bonds and to meet all payments due or to become due, the ensuing year to the United States under any contract between the district and the United States, and to meet the expenses for organizing said districts in the same manner and with like effect as if the same has been made by said Board of Directors; and the expense incident thereto shall be borne

by such district. All such taxes collected and paid to the county treasurer shall be received by such treasurer in his official capacity, and he shall be responsible for the safe keeping, disbursement, and payment thereof, the same as for other moneys collected by him as such treasurer.

§ 20. LIMIT OF WARRANTS BY DISTRICT.] No irrigation district shall in any year issue warrants in excess of ninety per cent of the levy for said year: Provided, in case of due and outstanding obligations against the district on account of operation and maintenance and current expense contracted prior to the year in which any levy is made, the district board shall have power to make additional levy, not to exceed one dollar per acre upon all irrigable lands within the district to create a special fund for the payment of past due obligations: Provided, further, whenever the claims or obligations against any fund for any year are fully paid, the Board shall have the power to transfer any unused balance to any fund for any preceding or succeeding year.

§ 21. LIEN OR ASSESSMENTS.] All assessments on real property and assessments on leasehold estates on land owned by the state and to the extent provided by said Act of August 11, 1916, on entered or unentered public lands are a lien against the property assessed, from and after the first of October in the year in which it is assessed, and shall draw interest at the rate of one per cent per month from the first day of May of the year following such assessment; and such lien is not removed until the assessments are paid or the property sold for the payment thereon, and it shall be the duty of the county treasurer to collect such assessment in the same manner as other taxes against real estate are collected, and the revenue laws of the state for the collection and sale of land for such taxes are hereby made applicable to the collection of assessments under this Act, and taxes so collected shall constitute a sinking fund to be used for the payment of the bonds and interest thereon. The leasehold estate of any leases of land owned by the State may be sold for taxes assessed as herein provided in the same manner and form as provided by the revenue law of the State for the collection and sale of lands for taxes, provided, the lien for the bonds of any series shall be a preferred lien to that of any subsequent series, and the lien for the payments due to the United States under any contract between the district and the United States, accompanying which bonds have not been deposited with the United States shall be a preferred lien to that of any issue of bonds or any series of any issue subsequent to the date of such contract, and all funds arising from assessment and levy, if any, shall be devoted to the obligations of the district payable from said funds and as to all obligations from the bond and United States contract fund shall be so devoted in the order of priority of the creation of the obligation.

§ 22. PAYMENT UNDER PROTEST.] When any person against whose property said assessments have been made shall pay such

assessments under protest as provided by the general revenue law of this State, the Board of Directors of any irrigation district organized under the provisions of this Act may pass upon and make orders disposing of moneys paid under protest to the county treasurer in the county or counties in which said lands are situated in the same form and manner as provided by law, and such proceedings shall be had as in such section provided in so far as the same applies; Provided, however, no taxes or assessments shall be ordered refunded unless the person complaining shall file in the office of the Secretary of such district a copy of his tax receipt, showing the same paid under protest, together with a sworn affidavit in writing showing one of the following reasons why such tax or assessments should be refunded.

First; That the land upon which such tax or assessment was levied is not within the boundaries of the district for which the lands were taxed or assessed;

Second: That the said lands are exempt by law, setting forth the reason therefor;

Third: That by reason of sub-irrigation the lands could not now be benefited by irrigation, or that the lands are not susceptible of irrigation from the canal of the district.

§ 23. PAYMENT OF BONDS. INVESTMENT OF BOND FUND.] Upon the presentation of the coupons and bonds due at the office of the treasurer of the county in which the district was originally organized, it shall be his duty to pay the same from the bond funds. Whenever, after ten years from the issuance of the bonds, the sinking fund shall amount to the sum of ten thousand dollars, the Board of Directors may direct the county treasurer in which the district was originally organized to pay such an amount of the bonds not due as the money of the fund will redeem, at the lowest value at which they may be offered for liquidation, after advertising for at least four weeks in some daily newspaper in each of the cities hereinbefore named, and in any newspaper which the Board may deem advisable, for sealed proposals for the redemption of the bonds. Such proposals shall be opened by the Board in open meeting, at the time named in the notice, and the lowest bid for the bonds must be accepted: Provided, no bond shall be redeemed at a rate above par. In case the bids are equal, the lowest numbered bond shall have the preference. In case none of the holders of the bonds desire to have the same redeemed, as herein provided, the money shall be invested by the treasurer of the county in which the district was originally organized, under the direction of the Board of Directors of the district, in United States bonds, or the bonds or warrants of the state which shall be kept in the "Bond fund," and may be used to redeem the district bonds whenever the holders thereof may desire.

§ 24. CONSTRUCTION OF WORKS. NOTICE. BOND OF CONTRACTOR.] After adopting a plan of said canal or canals, storage reservoirs and works, the Board of Directors shall give notice, by

publication thereof not less than twenty days in one newspaper published in each of the counties in which the district is situated, provided, a newspaper is published therein, and in such other newspaper as they deem advisable, calling for bids for the construction of the work or any portion thereof; if less than the whole work is advertised, then the portion so advertised, must be particularly described in such notice. The notice shall set forth that plans and specifications can be seen at the office of the Board, and that the Board will receive sealed proposals therefor, and that the contract will be let to the lowest responsible bidder, stating the time and place for opening the proposals, which at the time and place shall be opened in public and as soon as convenient thereafter the Board shall let such work, either in part or as a whole to the lowest responsible bidder, or they may reject any or all bids and re-advertise for proposals, or may proceed to construct the work under their own superintendence with the labor of the residents of the district. Contracts for the purchase of material shall be awarded to the lowest responsible bidder. The person, or persons, to whom a contract may be awarded shall enter into a bond with good and sufficient sureties, to be approved by the Board, payable to such district for its use, to an amount equal to twenty-five per cent of the contract price for the faithful performance of the contract; provided, however, in case twenty-five per cent of the contract price shall exceed the sum of fifty thousand dollars, then such bond shall be in the sum of fifty thousand dollars. The work shall be done under the direction and to the satisfaction of the engineer and be approved by the Board. Provided, further, that the provisions of this section shall not apply in case of any contract between the district and the United States.

§ 25. PAYMENT OF CLAIMS BY DISTRICT. TREASURER'S REPORT.] No claim shall be paid by the treasurer until the same shall have been allowed by the Board, and only upon warrants signed by the President and counter-signed by the secretary; and if the district treasurer has not sufficient money on hand to pay such warrant when it is presented for payment, he shall endorse thereon, "Not paid for want of funds," and endorse thereon the date when so presented, over his signature, and from the time of such presentation until paid, such warrant shall draw interest at the rate of seven per cent per annum. The Board may draw from time to time from the construction fund and deposit it in the county treasury of the county where the office of the Board is situated, any sum in excess of the sum of twenty-five thousand dollars. The county treasurer is hereby authorized and required to receive and receipt for the same and place the same to the credit of the district, and he shall be responsible upon his official bond for the safekeeping and disbursement of the same as in this article provided. He shall pay out of the same, or any part thereof, to the treasurer of the district only upon the order of the Board, signed by the president, and attested by the secretary. The County Treasurer shall

report in writing on the second Monday in each month the amount of money in the county treasury, the amount of receipts for the month preceding, and the amount of moneys paid out; the report shall be verified and filed with the secretary of the Board. The district treasurer shall also report to the Board in writing on the first Monday of each month the amount of money in the district treasury, the amount of receipts for the month preceding, and the amount of items of expenditures, and the said report shall be verified and filed with the secretary of the Board. All claims against the district shall be verified the same as is required in the case of claims filed against the counties in this State; and the secretary of the district is hereby authorized and empowered to administer oaths to the parties verifying said claim, the same as the county clerk or notary public might do. The district treasurer shall keep a register in which he shall enter each warrant presented for payment, showing the date and amount of such warrant, to whom payable, the date of presentation for payment, the date of payment, and the amount paid in redemption thereof, and all warrants shall be paid in order of their presentation for payment to the district treasurer. All warrants shall be drawn and payable to the claimant or bearer, the same as county warrants.

§ 26. IRRIGATION PROPERTY. CONSTRUCTION. OPERATION. PAYMENT.] The cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for, shall be wholly paid out of the construction fund, or in the bonds of said district at their par value, after having first been advertised for sale as in this article provided and having received no bids therefor at ninety-five per cent or upwards of their face value; provided, in case the said bonds, or the money raised by the sale is insufficient for the purposes for which said bonds were issued, additional bonds may be issued, after submission of the question at a general or special election to the qualified voters of said district; and in case of the issuance of additional bonds, the lien for taxes for the payment of the interest and principal of said issue shall be a subsequent lien to any prior bond issue. Provided, bonds need not be issued where the cost and expense of purchasing and acquiring property and constructing the works and improvements herein provided for are covered by a contract between the district and the United States. In lieu of the issuance of additional bonds the Board of Directors may provide for the completion of the irrigation system of the district by the levy of an assessment for the other purposes provided in this article. For the purpose of defraying the expenses of the organization of the district, and the care, operation, management, repair and improvement of such portions of such canal and works as are completed and in use, including salaries of officers and employees, the Board may either fix rates of tolls and charges, and collect the same from all persons using said works for irrigation or other purposes, or may provide for the payment of said

expenditures by a levy of assessments therefor, or by both said tolls and assessments, if by assessment, such levy shall be made upon the completion and equalization of the assessment roll; and the Board shall have the same powers and functions for the purposes of said levy as are now possessed by county commissioners in this state, and said assessment shall be collected as in Section 19 of this Act provided: Provided, further, if after the annual assessment for the current year, the funds provided are for some unusual or unforeseen cause insufficient for the proper maintenance and operation of said district, the Board of Directors shall have the power to borrow additional funds needed, to an amount not to exceed fifty cents per acre for the land embraced in said district, pledging the credit of the district for payment of the same, and shall include in the estimate for the levy for the ensuing year for the general fund the amount so borrowed, and provide for the payment of the same.

§ 27. CONSTRUCTION ACROSS STREAMS, HIGHWAYS, RAILROADS AND DITCHES.] The Board of Directors shall have the power to construct such works across any stream of water, water-course, street, avenue, highway, railway, canal, ditch or flume which the route of said canal or canals may intersect or cross in such manner as to afford security for life and property; but the Board shall restore the same, when so crossed or intersected, to its former state as near as may be, or in a sufficient manner not to have impaired unnecessarily its usefulness; and every company whose railroad shall be intersected or crossed by such works shall unite with the Board in forming such intersections and crossings, and grant the privilege aforesaid, and if such railroad company and such Board, or the owners and controllers of the property, thing or franchise so to be crossed, cannot agree upon the amount paid therefor, or the points or the manner of the crossings, the same shall be ascertained and determined in all respects as is provided in respect to the taking of land. The right-of-way is hereby given, dedicated and set apart, to locate, construct and maintain such works over and through any of the lands which are now, or may be the property of the State; and also there is given, dedicated and set apart, for the use and purposes aforesaid, all water and water-rights owned by this State within the district.

§ 28. SALARIES OF OFFICERS AND DIRECTORS.] The Board of Directors shall each receive three dollars per day and mileage at the rate of five cents per mile in attending meetings, and actual and necessary expenses while engaged in official business under the order of the Board. The Board shall fix the compensation to be paid to the other officers named in this article, to be paid out of the treasury of the district. Provided, however, in any district containing less than one hundred thousand acres the salary of the secretary shall not exceed eight hundred dollars per annum, and the compensation of the assessor shall not exceed three dollars per day for each day employed in his official duty, and the salary of the treasurer shall not exceed eight hundred dollars per annum.

§ 29. OFFICERS NOT INTERESTED IN CONTRACT. PENALTY.] No director or any officer named in this article shall be interested, in any manner, directly or indirectly in any contract awarded, or to be awarded by the Board, or in the profits to be derived therefrom, nor shall he receive any bonds, gratuity, or bribe, and for any violation of this provision, such officer shall be deemed guilty of a felony, and such conviction shall work a forfeiture of his office, and he shall be punished by a fine not exceeding five thousand dollars, or by imprisonment in the penitentiary not exceeding five years, nor less than one year.

§ 30. SPECIAL ELECTIONS.] The Board of Directors may at any time, when in their judgment advisable, call a special election and submit to the qualified electors of the district the question whether, or not, a special assessment shall be levied for the purpose of raising money to be applied for any of the purposes provided for in this Act. Such election must be called upon the notice prescribed, and the same shall be held and the result thereof determined and declared in all respects in conformity with the provisions of this Act. The notice must specify the amount of money proposed to be raised, and the purpose for which it is intended to be raised, at such election; the ballots shall contain the words, "Assessment—Yes," and "Assessment—No." If a majority of the votes are "Assessment—Yes," the Board shall at the time of the annual levy thereunder, levy an assessment sufficient to raise the amount voted. The rate of assessment shall be ascertained by adding to the amount estimated as needed fifteen per cent for anticipated delinquencies to the assessed value of the property in the district as it appears on the assessment roll for the current year, and then dividing the sum to be raised by the amount of such aggregate assessed value. The assessment so levied and computed shall be entered upon the assessment roll and upon the tax list by the county auditor and collected at the same time and in the same manner as other assessments, and all revenue laws of this State for the collection and sale of land for taxes are hereby made applicable to the assessment herein provided for; and when collected said assessment shall be paid over by the county treasurer to the district treasurer for the purpose specified in the notice in such special election.

§ 31. UNAUTHORIZED DEBTS.] The Board of Directors, or other officers of the district, shall have no power to incur any debt, or liability whatever, either by issuing bonds or otherwise in excess, of the express provisions of this Act, and any debt or liability incurred in excess of such express provisions shall be and remain absolutely void, provided, any irrigation district organized under the provisions of this article shall have the power to and it shall be its duty to provide for the proper drainage of any and all lands embraced within its limits which are, or have been sub-irrigated by reason of the lawful use of water from its canal by the owner or lessee of the lands sub-irrigated or from any cause not the fault, or by the

of such change of the boundaries of the district, the Board shall thereupon order the boundaries of the district to be changed in accordance with the resolutions adopted by the Board. The order shall describe the entire boundaries of the district, and for that purpose the Board may cause a survey of such portions thereof to be made as the Board may deem necessary.

§ 44. ORDER OF CHANGE. FILING. COPY. EFFECT.] Upon a change of the boundaries of a district being made, a copy of the order of the Board of Directors ordering such change, certified by the president and secretary of the Board, shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district, and thereupon the district shall be and remain an irrigation district as fully and to every intent and purpose as if the lands which are included in the district by the change of the boundaries, as aforesaid, had been included therein at the original organization of the district.

§ 45. RECORD. EVIDENCE.] Upon the filing of the copies of the order, as in the last preceding section mentioned, the secretary shall record in the minutes of the Board the petition aforesaid; and in the minutes of a certified copy thereof, shall be admissible in evidence with the same effect as the petition.

§ 46. AUTHORITY OF GUARDIANS, EXECUTORS AND ADMINISTRATORS.] A guardian, executor, or an administrator of an estate, who is appointed as such under the laws of this state, and who, as such guardian, executor or administrator, is entitled to the possession of the lands belonging to the estate which he represents, may, on behalf of his ward or the estate which he represents, upon being thereunto authorized by the proper court, sign and acknowledge the petition in this article mentioned, and may show cause, as in this article mentioned, why the boundaries of the district should not be changed.

§ 47. RE-DIVISION OF DISTRICT. DIRECTORS. ELECTION PRECINCTS.] In case of the inclusion of any land within any district by proceedings under this article the Board of Directors must, at least thirty days prior to the next succeeding general election, make an order re-dividing such district into three, five or seven divisions, as nearly equal in size as may be practicable, which shall be numbered and one director shall thereafter be elected by each division. For the purposes of elections the Board of Directors may establish a convenient number of election precincts in the districts, and define the boundaries thereof, which precincts may be changed from time to time as the Board may deem necessary.

§ 48. EXCLUDING LANDS FROM DISTRICT. PETITION.] The owner or owners in fee of one or more tracts of land, entrymen of unpatented lands and the Secretary of the Interior for unentered public lands, which constitute a portion of an irrigation district, may file with the Board of Directors of the district a petition praying that such tracts and any other tracts contiguous thereto

be excluded and taken from the district. The petition shall describe the boundaries of the land which the petitioners desire to have excluded from the district and also the lands of each of such petitioners which are included within such boundaries; but the description of such lands need not be more particular nor certain than is required when the lands are entered in the assessment book by the county or precinct assessor; such petition must be acknowledged in the same manner and form as is required in case of a conveyance of land, and the acknowledgment shall have the same force and effect as evidence as the acknowledgment of such conveyance.

§ 49. NOTICE. HOW GIVEN. CONTENTS.] The Secretary of the Board of Directors shall cause a notice of the filing of such petition to be published for at least two weeks in some newspaper published in the county where the office of the Board of Directors is situated, and if any portion of such territory to be excluded lie within another county or counties, then said notice shall be so published in a newspaper published within each of said counties; or if no newspaper be published therein, then by posting such notice for the same time in at least three public places in the district, and in case of the posting of notices, one of such notices must be posted on the lands proposed to be excluded. The notice shall state the filing of such petition; the names of the petitioners; description of the lands mentioned in such petition, and the prayer of the petition; and it shall notify all persons interested in or that may be affected by such change of the boundaries of the district to appear at the office of the Board at a time named in the notice, and show cause in writing, if any they have, why the change in the boundaries of said district, as proposed in said petition, should not be made. The time to be specified in the notice at which they shall be required to show cause shall be at the regular meeting of the Board next after the expiration of the time for the publication of the notice.

§ 50. HEARING. ASSENT OF PARTIES INTERESTED. NON-IRRIGABLE LANDS.] The Board of Directors, at the time and place mentioned in the notice, or at the time or times to which the hearing of such petition may be adjourned, shall proceed to hear the petition and all objections thereto, presented in writing by the persons showing cause as aforesaid, why the prayer of such petition should not be granted. The failure of any person interested in the district to show cause in writing why the tract or tracts of land mentioned in the petition should not be excluded from said district, shall be deemed and taken as an assent by him to the exclusion of such tract or tracts of land; or any part thereof, from said district; and the filing of such petition with such Board as aforesaid, shall be deemed and taken as an assent by each and all of such petitioners to the exclusion from such district of the lands mentioned in the petition, or any part thereof; provided, in no case shall any land be held by a district or taxed for irrigation on purposes which cannot from any natural cause be irrigated thereby.

§ 51. WHEN BOARD EXCLUDE LAND FROM DISTRICT.] The Board of Directors, if they deem it not for the best interest of the district that the lands mentioned in the petition, or some portion thereof, should be excluded from the district, shall order that the petition be denied; but if they deem it for the best interest of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, or if having shown cause withdraws the same, and also, if there are no outstanding bonds of the district and no contract between the district and the United States, then the Board may order that the lands mentioned in the petition or some defined portion thereof be excluded from the district.

§ 52. WHEN BONDS OUTSTANDING. ASSENT OF BONDHOLDERS.] If there be outstanding bonds of the district or if the district shall have entered into a contract with the United States as provided in Section 10 or 31 of this act then the Board may adopt a resolution to the effect that the Board deem it to be for the best interest of the district that the lands mentioned in the petition, or some portion thereof should be excluded from the district. The resolution shall describe such lands so that the boundaries thereof can be readily traced. The holder of such outstanding bonds may give their consent in writing to the effect that they severally consent that the Board may make an order by which the lands mentioned in the resolution may be excluded from the district and in case contract has been made with the United States as aforesaid the Secretary of the Interior may assent to such change. The assent may be acknowledged by the several holders of such bonds in the same manner and form as is required in case of conveyance of land, and the acknowledgment shall have the same force and effect as evidence as an acknowledgment of such conveyance, except the assent of the Secretary of the Interior need not be acknowledged. The assent must be filed with the Board and must be recorded in the minutes of the Board; and such minutes, or a certified copy thereof, shall be admissible in evidence with the same effect as the assent; but if such assent of the bond holders and in case of contract with the United States such assent of the Secretary of the Interior be not filed, the Board shall deny and dismiss the petition.

§ 53. OBJECTIONS TO PROPOSED EXCLUSION. VOTE. NOTICE.] If the assent aforesaid of the holders of the bonds be filed and entered of record as aforesaid, and if there be objections presented by any person showing cause as aforesaid which have not been withdrawn, then the Board may order an election to be held in the district to determine whether an order shall be made excluding said lands from the district as mentioned in the resolution. The notice of such election shall describe the boundaries of all the lands which it is proposed to exclude, and such notice shall be published for at least two weeks prior to such election in a newspaper published within the county where the office of the Board of Directors is situated;

and if any portion of such territory to be excluded lies within another county or counties, then such notice shall be so published in a newspaper published in each of such counties. Such notice shall require the electors to cast ballots which shall contain the words "For Exclusion," "Against Exclusion," or words equivalent thereto. Such election shall be conducted in accordance with the general election laws of the State: Provided, no particular form of ballot shall be required.

§ 54. RESULT OF VOTE. ORDER OF BOARD.] If at such election a majority of all the votes cast shall be against the exclusion of the lands from the district, the Board shall deny and dismiss said petition and proceed no further in the matter; but if a majority of such votes be in favor of the exclusion of the lands from the district the Board shall thereupon order that the lands mentioned in the resolutions be excluded from the district, should the exclusion of the lands from the district, and for that purpose the board may cause a survey to be made of such portions of the boundaries as the Board may deem necessary.

§ 55. FILING OF COPY OF ORDER. EFFECT.] Upon the entry in the minutes of the Board of any of the orders hereinbefore mentioned, a copy thereof certified by the president and secretary of the Board shall be filed for record in the recorder's office of each county within which are situated any of the lands of the district; and thereupon the district shall be and remain an irrigation district as fully to every intent and purpose, as it would be had no change been made in the boundaries of the district, or had the lands excluded therefrom never constituted a portion of the district.

§ 56. EFFECT OF CHANGE ON OFFICE OF DIRECTOR. VACANCY.] If the lands excluded from any district shall embrace the greater portion of any division or divisions of such district, then the officer or director for such division shall become and be vacant at the expiration of ten days from the final order of the Board excluding the lands, and such vacancies shall be filled by appointment by the Board of County Commissioners of the County where the office of such Board is situated from the district at large. A director appointed as above provided shall hold his office until the next regular election for the district, and until his successor is elected and qualified.

§ 57. RE-DIVISION OF DISTRICT. ELECTION DISTRICTS.] At least thirty days before the next general election of such district, the Board of Directors thereof shall make an order dividing said district into three, five and seven divisions as nearly equal in size as practicable, which shall be numbered and one director shall be elected by each division. For the purpose of election in such district the Board of Directors must establish a convenient number of election precincts, and define the boundaries thereof, which precinct may be changed from time to time, as the Board of Directors may deem necessary.

§ 58. REFUNDING ASSESSMENTS TO OWNERS OF LANDS EXCLUDED.] In case of the exclusion of any lands under the provisions of this act, there shall be refunded to any and all persons who have paid any assessment or assessments to such district, for any lands so excluded, any sum or sums so paid. Such payments shall be made in the same manner as other claims against such district, and from such fund or funds as the Board of Directors may designate; Provided, where such parties have realized benefits from the organization and operation of the district, the value of such benefits shall be deducted from the assessments paid in by said parties and the balance, if any, refunded.

§ 59. BONDS. CONFIRMATION OF PROCEEDINGS FOR.] The Board of Directors of any irrigation district organized under the provisions of this act, shall, before issuing and before selling any bonds of such irrigation district, and in their discretion before making any contract or levying any assessment or taking any special action, commence a special proceeding, in and by which the proceedings of such Board and of said district, providing for and authorizing the issue and sale of the bonds of said district, the making of any contracts or levying any assessment or taking any special action shall be judicially examined, approved and confirmed or disapproved and disaffirmed.

§ 60. SAME. PETITION.] The Board of Directors of the irrigation district or such holder or holders of any bond or bonds of the district shall file in the district court of the county in which the lands of the district, or some portion thereof, are situated, a petition praying in effect, that the proceedings aforesaid, may be examined, approved and confirmed by the court. The petition shall state the facts showing the proceedings had for the issue and sale of the bonds, the making of any contract, the levying of any assessment or taking of any special action, and shall state generally that the irrigation district was duly organized, and that the Board of Directors was duly elected, but the petition need not state the facts showing such organization of the district, or the election of the first Board of Directors.

§ 61. SAME. HEARING. JUDGMENT.] The court shall fix the time for the hearing of the petition, and shall order the clerk of the court to give and publish a notice of the filing of the petition. The notice shall be given and published in the same manner and for the same length of time that the notice of a special election provided for by law to determine whether the bonds of the district shall be issued is required to be given and published. The notice shall state the time and place fixed for the hearing of the petition and prayer of the petition, and that any person interested in the organization of the district, or in the proceedings for the issue or sale of the bonds, may, on or before the day fixed for the hearing of the petition, demur to or answer the petition. The petition may be referred to and described in the notice as the petition of.....
..... (giving its name), praying that the proceed-

ings set forth therein may be examined, approved and confirmed by the court.

§ 62. SAME. DEFENSE BY PERSON INTERESTED.] Any person interested in the district, or in the issue or sale of the bonds, may demur to or answer the petition. The provisions of the code of civil procedure respecting the demurrer and answer to a verified complaint shall be applicable to a demurrer and answer to the petition. The person so demurring and answering the petition shall be the defendants to the special proceedings and the Board of Directors shall be the plaintiff. Every material statement of the petition not specifically controverted by the answer must, for the purpose of said special proceeding be taken as true; and each person failing to answer the petition shall be deemed to admit as true all the material statements of the petition. The rules of pleading and practice provided by the code of civil procedure which are not inconsistent with the provisions of this article are applicable to the special proceeding herein provided for.

§ 63. SAME. JURISDICTION OF COURT COSTS, ETC.] Upon the hearing of such special proceeding the court shall have power and jurisdiction to examine and determine the legality and validity of, and approve and confirm or disapprove and disaffirm each and all of the proceedings for the organization of said district under the provisions of this act, from and including the petition for the organization of the district, and all other matters which may effect the legality or validity of the proceedings and objects set forth in the petition. The court in inquiring into the regularity, legality, or correctness of said proceedings, must disregard any error, irregularity, or omission which does not effect the substantial rights of the parties to such special proceedings; and it may approve and confirm other and subsequent parts of the proceedings, and in so far as possible the court shall remedy and cure all defects in said proceedings. The court shall find and determine whether the notice of the filing of the petition has been duly given and published for the time and in the manner of this act prescribed. The costs of the special proceedings may be allowed and apportioned between the parties in the discretion of the court. If the court shall determine the proceedings for the organizations of the district legal and valid, and the proceedings for the voting and issuing of said bonds legal and valid, the Board of Directors shall then proceed to prepare a written statement beginning with the filing of the petition for the organization of the district, and including all subsequent proceedings for the organization of the district, the voting and issuing of said bonds and other objects of said petition, and ending with the decree of the court finding the proceedings for the organization of the district and subsequent proceedings, legal and valid, and when the proceedings are for the confirmation of a bond issue, shall present said written statement and the bonds to the state engineer and such written statement shall be certified under oath by the Board of Directors of the district,

and the State Engineer shall then examine said statement and the bonds so submitted to him and if he is satisfied that said bonds are in conformity with the law and are in all respects in due form, he shall record the statement and register the bonds in his office, and no such bonds shall be issued or be valid unless they shall be so registered and have endorsed thereon a certificate of said state engineer showing that such bonds are issued pursuant to law, the data filed in the office of said officer being the basis of such certificate; provided further, that the provisions of this section with reference to the registration of irrigation district bonds shall be optional as to bonds that have heretofore been issued or are now being issued.

§ 64. WATER SUPPLY FROM WITHOUT STATE. CONTRACTS. BONDS.] Provided, when any district contemplated in this article shall find it necessary to procure and acquire the supply of water necessary for any or all of the ditches outside of the boundaries of this state, and from some adjoining state, then in such event it shall be lawful for such district to contract or bargain with any person, company or corporation legally existing within such state, outside of the boundaries of this state for the required supply of such necessary water for the district within the state. The voting, issuance and sale of bonds in such district within the state for the payment of such rights and franchises of such persons, companies, or corporations of such foreign state, for the use and benefit of such district within this state, shall be deemed valid, and of full force and effect and have the same operation as though the same rights and franchise existed wholly within this state.

§ 65. WATER SUPPLY FROM WITHOUT DISTRICT.] That the Board of Directors of any irrigation district organized under the laws of this state may enter into contracts for a supply of water for the irrigation of the lands within said irrigation districts with any person, firm, association, corporation or the United States of America; the source of supply of said water may be either within or without the boundaries of the State of North Dakota, and said water supply may be either the entire supply for said district or to supplement an appropriation already made by the said district.

§ 66. CONTRACTS FOR STORAGE WATER.] If the contract hereinbefore mentioned provides for payment of the entire purchase price of said water supply within one year after the making of said contract the Board of Directors of such irrigation district shall at the time of entering into said contract, pass a resolution that a levy shall be made sufficient to raise such sum as is necessary to pay said purchase price and the Board of Directors shall thereafter and at the same time the levy of other taxes for said district is made, levy a tax against the taxable property of the district sufficient to raise and pay such sum.

§ 67. PAYMENT FOR STORED WATER.] If said contract provides for payment to be made extending for a period of more than one year from the date of making said contract, the Board of Direc-

tors of such irrigation district shall submit said contract to the legal voters of said district at any general election, or at a special election called therefore for the approval or disapproval of said contract. If a special election is called for such purpose the notice of election, conduct of said election and the canvass of the votes shall so far as practicable be the same as in election held for the purpose of voting upon the issuance of bonds. The ballots at said election shall have printed thereon "For Approval of Contract for Water Supply" and "Against Approval of Contract for Water Supply." Those voting for approval of said contract shall make their ballots after the clause beginning "Against approval." The notice of said election need not give the entire contract, but shall be sufficient if it shall state in a general way the substance of said proposed contract. If a majority of the voters that vote on said proposition vote for approval of said contract the Board of Directors shall enter into said contract and shall thereafter at the time the other taxes of the district are levied, levy a tax on the taxable property of the district sufficient to pay the amount due on said contract and to become due on said contract before the next annual levy in said district.

§ 68. FEDERAL CREDIT TO DISTRICT.] That any irrigation district, heretofore or hereafter, organized under the laws of the State of North Dakota, for irrigation or drainage purposes is hereby authorized and empowered to enter into contract with the United States of America whereby the bonds of the district are guaranteed by the United States or financial credit is extended by the United States, to the district and for the sale, purchase or use any canal, ditch, reservoir, right of way, irrigation or drainage system or other property owned or to be acquired for the use of such district.

§ 69. DISTRICTS TO COMPLY WITH FEDERAL LAWS.] Any irrigation district organized under the laws of North Dakota is hereby authorized to accept of the provisions of any act of congress of the United States applicable to such district and to obligate itself to comply with such laws, rules and regulations as may be promulgated by any department of the United States in pursuance of such Acts, and irrigation district contracting with the United States under the provisions of this act shall be governed in all matters by the laws of the state relating to irrigation or drainage districts as the case may be except in such things as may be otherwise provided for such district. This section shall not limit the rights which any irrigation district has under existing laws to purchase a water supply or otherwise contract and shall be cumulative thereto.

§ 70. DISSOLUTION OF DISTRICTS.] Whenever a majority of the assessment payers, representing a majority of the number of acres of irrigable land within any irrigation district, shall petition the Board of Directors to call a special election, for the purpose of submitting to the qualified electors of such irrigation district, a proposition to vote on the discontinuance of such irrigation dis-

trict, and a settlement of its bonded and other indebtedness, it shall be the duty of the Board of Directors to call an election, setting forth the object of the same, and to cause a notice of such election to be published in some newspaper in each of the counties in which the district is located, and in which a newspaper is published, for a period of thirty days prior to such election, setting forth the time and place for holding such election in each of the voting precincts in the district, and shall also cause a written or printed notice of such election to be posted in some conspicuous place in each of the voting precincts.

It shall also be the duty of the directors to provide ballots to be used at said election, on which shall be written or printed the words: "For dissolution, Yes." and "For dissolution, No," which ballots shall be placed in the hands of the proper election officers in the several voting precincts of such district prior to the opening of the polls on the day of such election; and the election shall be conducted in all respects in the same manner as provided by law for the election of officers of the district. The return of the election, together with the ballots cast thereat, shall be certified by the several election boards of such district to the Board of Directors within three days from and after said election, which Board shall, on or before the third day after said election, canvass such returns and declare the result of such election, which result shall be at once recorded in the records of the district board. If a majority of the votes shall be "For dissolution, No," there shall not be another election upon the question of a dissolution of the district during the year in which said election was held. If a majority of the votes are "For dissolution, Yes," then the Board shall immediately notify all persons having claims against the district of the result of such election, and may proceed to adjust, settle, and compromise any and all such claims, in whatever form the indebtedness of such district may be.

For the purpose of raising money to pay any and all indebtedness of the district, such Board may sell and dispose of the canal, franchises, and other property owned by the district at not less than a valuation to be fixed by a Board of three appraisers, one member of which shall be appointed by the Board of Directors of such district; one to be appointed by the Board of County Commissioners of the county in which the district was originally organized, which two appraisers shall elect a third; which Board of Appraisers shall be sworn by the clerk of the Board of County Commissioners of the county, to appraise the canal, franchises and other property of the district at its cash value; and as soon thereafter as practicable, such appraiser shall make an appraisal, and report in writing their appraisal of all the property owned by the district, to the Board of Directors; which Board shall advertise the property for sale at least four weeks in such manner as in the judgment of the Board shall be to the best interest of the district; and shall state in such advertisement a description of the prop-

erty, and the time and place when bids in writing for the same shall be opened and considered, and bids orally received and considered. At the time designated in such notice, or as soon thereafter as such Board can meet, it shall open and consider all bids received for the purchase of the property and it shall have the power to reject any and all bids for such property, which are not in the judgment of the Board a fair consideration for the property; and after the bids are thus rejected by the Board, it may by private negotiations with any person, persons or corporation sell and convey by deed executed by such Board, all of the property, for part cash and part in deferred payments, bearing the same interest as the bonded indebtedness of such district; and in case the district has no bonded indebtedness the interest upon such deferred payments shall be such as may be agreed upon by the Board and the purchaser, not exceeding the rate allowed by law. Such deferred payments shall be a lien upon all of the property thus sold by the Board which shall have the same force and effect as a mortgage against such property and may, when due, be foreclosed in the manner provided by law for the foreclosure of mortgages. In addition to such lien, the Board of Directors may require the purchasers of the property to furnish the district with such additional security upon all deferred payments as in its judgment shall make such payments secure; and all notes, bonds, mortgages and other securities shall be made out to and in the name of the irrigation district, and shall be, together with the money received from such sale, deposited with the county treasurer of the county in which the district was originally organized. All suits at law or equity brought for the purpose of collecting such indebtedness, shall be brought in the name of such district by counsel employed by the district board; and in case the board shall be disorganized, such employment shall be by the Board of County Commissioners.

After a sale of the property and franchise of the district, the Board of Directors shall, with the amount realized from such sale, together with such other funds as such district may have, make settlement, payment and redemption, if possible, of all outstanding bonded and other indebtedness of the district, but shall in no case pay more than the market value of such outstanding bonds with interest up to the time of payment; and in cases where bonds not yet due cannot be redeemed by reason of the refusal of the owner thereof to surrender them before due, the Board may invest the surplus money of the district, after paying all debts that can be paid, in state, county, or other safe bonds, bearing the same or greater rate of interest, if possible, than the district bonds thus outstanding, for the purpose of paying such outstanding bonds of the district when due. In case the amount realized from the sale of such district property together with other money of the district, shall be insufficient for the payment of all the indebtedness of said district, assessments shall continue to be made against the lands included in the district in the manner provided by law for assess-

ments to pay bonds and other indebtedness of irrigation districts, until a sufficient amount is raised to fully pay all obligations of such district. In all cases where bonds and other obligations of irrigation districts shall be issued after the passage of this act, such bonds and obligations shall become subject to redemption by the Board of Directors of any irrigation district, as soon as the property and franchise of such district shall be sold after such district has elected to dissolve as a district, as herein provided.

After all the property of the district shall be disposed of as above provided, and all of the obligations of such district shall have been paid the Board of Directors shall file in the office of the county clerk of each county in which said district is located, and in the office of the State Engineer, a report attested by the clerk and seal of the Board, stating that the district has disposed of its property and franchise, and become disorganized and dissolved, which report shall be recorded in the miscellaneous records of such counties; and if any person, persons or corporations, having any claim against such district not settled or disposed of at the time of the filing of such report, shall fail and neglect to bring suit upon such claim within five years from the time of the filing of such report, such claim or claims shall be forever barred as against such district as well as against all persons and property therein. Provided that in case a contract has been made with the United States no action shall be taken by the board of directors for the dissolution of any irrigation district as herein provided unless the assent of the secretary of the interior in writing has been filed with the secretary of the Board of Directors and a certified copy thereof filed in each county where such district lands are situate.

§ 71. IRRIGATION DISTRICT BONDS. REFUNDING.] The Board of Directors of any irrigation district in the State of North Dakota which has issued valid interest bearing bonds that are now outstanding and unpaid, may take up and pay off any such bonds whenever legally possible, by the issue and sale or the issue and exchange therefor of the bonds of such irrigation district; but bonds so to be issued shall not exceed the amount lawfully owing and unpaid upon the bond or bonds so sought to be taken up and paid. Bonds so issued shall not bear interest greater in rate or amount per annum than the bonds so sought to be taken up and paid.

§ 72. PROCEDURE IN REFUNDING BONDS.] Whenever it is desired to issue bonds under this article the Board of Directors shall, by resolution entered in the minutes of their proceedings, direct public notice to be given, stating the amount of the indebtedness sought to be taken up and paid, and the date it was voted, the rate of interest it bears, and that the same is sought to be taken up and paid off by the issuance and sale, or the issuance and exchange of bonds bearing interest at an equal or less rate and amount per annum, and stating the date on which, and the places where, any taxpayer of such irrigation district may file objections

to such proposed action. Such notice shall be signed by the president and secretary of said irrigation district, and shall be published for two weeks in some newspaper in general circulation in the district, or by posting the notice in three of the most public places in the district for at least fifteen days prior to such date. If after such publication and on the day for filing objections, no objection to such action by the Board of Directors is filed, then the Board of Directors may issue and sell, or exchange, as the case may be, the bonds authorized by this article, not exceeding the amount stated in such notice, nor exceeding the amount of actual bonded indebtedness of the district then outstanding and unpaid, nor bearing interest greater in rate or amount and thereby take up and pay off the bonds described in the notice.

§ 73. HEARING OF OBJECTION TO ISSUE.] If, on the day appointed in such notice, any written objections be filed, the objection or objections shall be heard and decided by the Board of Directors; and from their decision an appeal may be taken to the district court, in the manner of appeals from the county board.

§ 74. RECITALS OF REFUNDING BONDS.] The bonds so issued shall have recited therein the object of issue, the title of the article under which the issue was made, stating the issue to be made in pursuance thereof, and shall also state the number, date and amount of the bonds for which it was substituted; and such new bonds shall not be delivered until the surrender of the bond or bonds so designated, and they shall be paid and levy made and tax collected for their payment in accordance with laws now governing the bonds heretofore issued.

§ 75. LIABILITY FOR FAILURE TO DELIVER WATER.] Every irrigation district within the State of North Dakota shall be liable in damages for negligence in delivering or failure to deliver water to the users from its canal to the same extent as private persons and corporations; provided, however, such districts shall not be liable as herein provided, unless the party suffering such damage by reason of such negligence or failure shall, within thirty days after such districts shall fail to deliver water, serve a notice in writing on the chairman of the Board of Directors of such district, setting forth particularly the acts committed or the commissions of the duties to be performed on the party of the district, which it is claimed constitute such negligence or omission, and that he expects to hold such district liable for whatever damages may result; provided, further, such action shall be brought within one year from the time the cause has accrued.

Approved March 8, 1917.

CHAPTER 116.

(H. B. No. 274—Christianson.)

RIPARIAN OWNERS OF LAND LYING ADJACENT TO NON-NAVIGABLE STREAMS.

An Act to Provide that Riparian Owners of Land Lying Adjacent to Non-Navigable Streams and Rivers Shall Prevent the Falling of Trees, Logs and Brush into such Streams and Rivers, and Prescribing the Duties of County Commissioners in Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] It shall be the duty of every riparian owner of lands lying adjacent to a non-navigable stream or river to prevent trees, logs or brush growing and situated upon such land from falling into such stream or river, and from becoming lodged therein. Upon the complaint of any freeholder to the effect that any such riparian owner is permitting trees, logs and brush to fall into such stream or river, the board of county commissioners of the county in which such land is located shall investigate or cause an investigation to be made, and if it is found that such riparian owner is permitting trees, logs and brush to fall into, and to become lodged in such stream or river, the board of county commissioners shall notify the party to remove the same inside of thirty days or more at the discretion of the county commissioners, and if not performed in said time, the county commissioners can cause such trees, logs and brush to be removed from such stream, and from the land adjacent thereto, so as not to be in danger of falling into such stream. The expense of removing such trees, logs and brush shall be paid out of the county treasury and the amount thereof shall be assessed against the land of the riparian owner and added to the taxes assessed against such land, and shall be collected in the same manner as other taxes, and shall be used to reimburse the county treasury for moneys paid for the removal of trees, logs and brush from such stream or river.

§ 2. PURPOSE OF THIS ACT.] It is well known that when logs and trees become lodged in streams and rivers they form barriers to the passage of ice in the spring and cause gorges or jams, which is one of the most frequent causes of floods. The purpose of this Act is to prevent the flooding of streams and rivers in this state from this cause.

Approved March 10, 1917.

DRUGS

CHAPTER 117.

[S. B. No. 191—Haggart.]

PROHIBITING SALE OF CERTAIN DRUGS.

An Act Restricting and Prohibiting the Selling, Keeping for Sale, Prescribing and Having Possession of Certain Drugs, Providing a Penalty for Violations of the Act and Relating to the Method of Enforcing and of Charging and of Proving Violations of the Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SALE AND GIFT OF CERTAIN DRUGS PROHIBITED.] It shall be unlawful for any person, firm or corporation, either personally or by servant or agent, or as the servant or agent of any other person, or of any firm or corporation, to sell, furnish or give away any opium or coca leaves or any compound, manufacture, salt, derivative or preparation thereof, and especially to sell, furnish or give away any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine, or preparation containing morphine or salts of morphine, or any codeine, or salt or derivative thereof, or any preparation containing codeine, or any chloral hydrate, or preparation containing chloral hydrate, or any heroin, or any of its salts or derivatives, or any preparation containing heroin, or any other habit-forming drug, whatever its nature or character, or any preparation containing any habit-forming drug, whatever its nature or character, or any substance or residue left after the smoking of opium, whether obtained from an opium pipe or other article used for smoking opium; except upon the original written order or prescription of a recognized and reputable practitioner of medicine, or of veterinary medicine, duly licensed to practice in the State of North Dakota, which order or prescription shall be dated and shall contain the name of the person for whom prescribed, or if ordered by a practitioner of veterinary medicine shall state the kind of animal for which ordered, and shall be signed by the person giving the order or prescription. Such order or prescription shall be, for a period of two years, retained on file by the person, firm or corporation who compounds or dispenses the article ordered or prescribed, and it shall not be compounded or dispensed after the first time except upon the written order of the original prescriber. The record so kept may be examined by the state's attorney of the county, or his assistant, at any time, and it shall be unlawful for any person, firm or corporation compounding or dispensing articles prescribed as aforesaid to fail to keep such orders and prescriptions on file, and to fail, refuse or neglect to exhibit the same to the state's attorney or his assistant when re-

quested. Provided, however, that any physician or veterinary surgeon, licensed to practice in the state of North Dakota may dispense or distribute any of the aforesaid drugs to a patient in the course of his professional practice only, and a dentist may use and administer such drugs in the course of professional treatment of a patient; provided, further that such dispensation or distribution must be in good faith, in the course of practice, when the administration of such drugs is necessary and proper in the proper practice of medicine, veterinary medicine or dentistry, and not for the purpose of evading the spirit or provisions of this Act. Any physician, dentist or veterinary surgeon, so distributing or dispensing any of the drugs herein mentioned, shall keep a record of all such drugs dispensed or distributed, showing the amount dispensed or distributed, the date, and the name and address of the patient to whom such drugs are dispensed or distributed, which record shall be kept for a period of two years from the date of dispensing or distributing such drugs, and shall be kept open to the inspection of the state's attorney of the county in which such physician, veterinary surgeon or dentist resides, or his assistant. Provided, further, that the provisions of this act shall not be construed to permit the selling, furnishing, giving away, or prescribing for the use of any habitual users of any of the substances hereinbefore first named and referred to, any of such substances. This last proviso shall not be construed to prevent any physician, duly licensed to practice medicine in the state of North Dakota, from furnishing in good faith for the use of any habitual user of narcotic drugs who is under his professional care, such substances as he may deem necessary for their treatment, when such prescriptions are not given or substances furnished for the purpose of evading the provisions of this Act, and provided a record is kept of the same, to be kept open for inspection by the state's attorney or his assistant, as hereinbefore provided for. It shall be unlawful, however, for any physician or veterinary surgeon to write a prescription or order for the furnishing of or to furnish any of the substances hereinbefore named, the selling, furnishing or giving away of which is hereby made unlawful, to any habitual users of any of said substances, unless in the course of good faith treatment of such person or persons for some disease or for the cure of the drug habit, in the proper and usual practice of medicine.

The above provisions shall not apply to preparations which do not contain more than two grains of opium, or more than one-quarter grain of morphine, or more than one-eighth of a grain of heroin, or more than one grain of codeine, or any salt or derivative of them in one fluid ounce, or, if solid or semi-solid preparation, in one avoirdupois ounce, or to linements, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts, or alpha or beta eucaine, or any of their salts or any synthetic substitute for them. Provided, however, that such

remedies and preparations last named shall be excepted from this act only when they are sold, distributed, given away, dispensed or possessed as medicines and not for the purpose of evading the intentions and provisions of this act.

The provisions of this section shall not apply to sales at wholesale between jobbers, manufacturers, and retail druggists, hospitals, scientific or public institutions. The prescriptions and orders hereinbefore referred to may be filled only in retail drug stores and by registered pharmacists. The provisions of this act shall not only apply to decocainized coca leaves or preparations made therefrom, or to other preparations of coca leaves which do not contain cocaine or any habit-forming drug.

§ 2. HAVING IN POSSESSION OF CERTAIN DRUGS PROHIBITED.] It shall be unlawful for any person, firm or corporation, except physicians, practitioners of veterinary medicine, and dentists, all duly licensed to practice their professions within the State of North Dakota, owners of retail drug stores conducted by registered pharmacists, jobbers of drugs, manufacturers of drugs and medicines carrying on a regular business within the State of North Dakota, hospitals, scientific and public institutions, and nurses, acting under the supervision of duly licensed and practicing physicians, having the substances hereinafter named by virtue of their employment or occupation and not on their own account, to have in his, her or its possession any opium or coca leaves, or any compound, manufacture, salt, derivative or preparation thereof, and especially any cocaine, salts of cocaine, or preparation containing cocaine or salts of cocaine, or morphine, or preparation containing morphine or salts of morphine, or any codeine or salt or derivative thereof, or any preparation containing codeine, or any chloral hydrate or preparation containing chloral hydrate, or any heroin or any of its salts or derivatives, or any preparation containing heroin, or any substance or residue left after the smoking of opium, whether obtained from an opium pipe or other articles used for smoking opium, or any other habit-forming drugs, whatever its nature or character, unless the person so having the same in his, her or its possession has obtained the same from a retail drug store within the State of North Dakota upon the written prescription of a duly licensed physician or practitioner of veterinary medicine, licensed to practice and practicing and having his residence within the State of North Dakota, under the conditions provided for in Section one of this act, the said person having obtained the same in good faith as a remedy and not for the purpose of evading this Act, or any of the provisions thereof, or the intention and spirit thereof. The provisions of this section, however, shall not apply to any United States, state, county, municipal or other public officer who has possession of any of said drugs by reason of his official duties, or to a warehouseman holding possession for another who is entitled under the provisions hereof to have possession of said drugs, or to common carriers engaged in transporting said drugs.

The persons excepted from the operation of the provisions of this section shall not be exempted if any of the substances or drugs herein named are kept by them to be disposed of in violation of this Act.

§ 3. COMPLAINTS, INFORMATIONS AND INDICTMENTS FOR VIOLATIONS OF ACT. EVIDENCE. BURDEN OF PROOF.] It shall not be necessary to negative any of the exemptions in this act contained in any complaint, information or indictment, or other writ or proceeding laid or brought under this Act, but it shall only be necessary that the state allege in such complaint, information, or indictment, or other writ or proceeding, that the defendant did wilfully, unlawfully, and feloniously sell, furnish, prescribe, give away, or have in his possession, as the case may be, one or more of the substances hereinbefore in this Act mentioned and referred to. Upon any hearing or trial of any person, firm or corporation for a violation of Section 1 of this Act, proof of a sale, furnishing, giving away or prescribing by the accused of any of the substances in paragraph 1 mentioned and referred to, or any article or preparation containing any of said substances, shall be prima facie proof of a violation of said section and of this Act, and shall be sufficient evidence to support a conviction for a violation of said section and of this Act, and the burden shall be upon the accused to prove that such sale, furnishing, giving away or prescribing was within one or more of the exceptions or exemptions provided by said Section. Upon any hearing or trial of any person, firm or corporation for a violation of the provisions of Section 2 of this Act, proof of the finding of any of the substances hereinbefore mentioned and referred to, upon the person of, or in the dwelling house of, or in any room or place occupied by or controlled by the accused, or in any manner in the possession of the accused, shall be prima facie evidence of a violation of said section and of this Act, and shall be sufficient evidence to support a conviction for a violation of said section and of this Act. In case the accused, in a prosecution for a violation of Section 2 of this Act, shall claim to have received the said substance from a retail druggist upon a prescription, as hereinbefore provided for, or from a physician or veterinary surgeon, it shall be necessary for him to produce the original prescription, and the testimony of the physician writing the prescription and of the pharmacist filling the prescription, in case he claims to have obtained it from a druggist, or, in case he claims to have procured it from a physician or veterinary surgeon, to produce the testimony of the physician or veterinary surgeon from whom he procured it; provided the testimony of such parties can be procured, either by having them present in person, or by deposition; before the prima facie case made out by the state as aforesaid shall be deemed to have been overcome.

§ 4. SEARCH WARRANT. SEIZURE.] If any person shall make an affidavit before any person entitled to administer an oath setting forth that any of the substances, the sale, furnishing, giving

away, prescribing or having in possession of which are herein forbidden, are being kept or are present upon certain premises, particularly describing such premises, and further stating the name of the person or persons keeping said substances, or having them under their control, if known to the affiant, and if not known, stating that fact, and said affidavit setting forth the foregoing facts shall be filed with any justice of the peace, police magistrate, or other magistrate having jurisdiction together with the affidavit of the state's attorney or his assistant that to the best of his knowledge, information and belief the facts set forth in such affidavit are true and he verily believes that such substance is kept in violation of law, or for the purpose of being sold, given away or furnished in violation of law, said magistrate shall issue a search warrant directed to the proper officer, commanding him to search the premises described in the above affidavit, and to seize all substances, the sale, furnishing, giving away, prescribing or keeping of which are herein prohibited; and take the same into his custody to abide the further order of the Court. The Officer shall thereupon proceed to execute the search warrant and make return thereon to said magistrate. If the return of said officer shall show that he has found or seized any such substances or drugs as are herein described and referred to, the magistrate shall appoint a day for hearing, not more than ten days from the date of such seizure or finding, of which hearing notice shall be given to the person or persons from whose custody or in whose premises said substances or drugs were taken. If at a hearing it shall be found by the magistrate that the drugs or substances so found or seized were kept in violation of this act, the Court shall order the destruction thereof by the sheriff of the county, at such time as the said magistrate shall fix, save that when a criminal action has been or is about to be commenced for a violation of the provisions of this Act, in which said drugs or substances may be used as evidence, such destruction shall not take place until after the final determination of said criminal action. If the affidavit for a search warrant is made in good faith, the person making it shall not be held civilly liable for damages by reason of such making.

§ 5. PRIVILEGE.] No person shall be excused from testifying touching any offense committed by another against any of the provisions of this Act by reason of his testimony tending to criminate himself. (Witness.) But the testimony given by such person shall in no case be used against him.

§ 6. PUNISHMENT FOR VIOLATIONS OF THE ACT.] Any person violating any of the provisions of this Act, shall upon conviction be punished by a fine of not to exceed \$1,000.00 nor less than \$100.00, or by imprisonment in the State Penitentiary not more than three years and not less than one year, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, and if such person be a licensed physician, dentist, veterinarian or druggist, his license may be declared forfeited.

§ 7. REPEAL.] All Acts and parts of acts in conflict with this Act, and especially Section 2943 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 154 of the Laws of North Dakota for 1915, are hereby repealed.

Approved March 8, 1917.

ELECTRICIANS

CHAPTER 118.

[S. B. No. 158—King.]

BOARD OF ELECTRICIANS.

An Act to Create a State Board of Electricians and Prescribing the Duties Thereof, Providing for the Classification, Examination and Licensing of Electricians and Electrical Workers, Prescribing Fees for Such Examination and License, and Providing for Inspection of Electrical Work through the Commissioner of Insurance under the Direction of the State Board.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Board of Electricians is hereby created which shall consist of three members appointed by the Governor for periods of two, four and six years, respectively, and the Commissioner of Insurance, who shall be ex-officio and Secretary of the Board. The three members appointed shall consist of one Master Electrician engaged in active work, one Journeyman Electrician and one Electrical Engineer of known ability. Vacancies shall be filled in the same manner and from the same class to which the retiring member belonged. The Board shall select from its members a Chairman and Treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive Ten Dollars (\$10.00) per day for actual services rendered and actual expenses incurred in the discharge of his duties, except that in no case shall such compensation exceed \$100.00 for each or any member, in any one fiscal year. The board will meet at the Capitol on or about the first Monday in January and July of each year for the purpose of conducting examination and considering such other matters as may be brought before them, or at any time upon ten day's notice from the secretary.

§ 2. There shall be Master, Journeyman and special electricians, and in the last class shall be persons employed to operate electric light and power apparatus and keep the same in repair. Every person not already a licensed electrician who shall hereinafter engage in the occupation of or do any operating, installing or repairing of electrical wires or apparatus shall apply to the board for a license. The Board shall examine the applicant and if he be

found upon examination to be possessed of the required skill and knowledge of the business and reasonably versed in the laws of electricity shall issue him a license to engage in such business for a period of two years, signed by the President and Secretary and attested by the seal. The employees of interstate telephone and telegraph companies shall not be required to hold licenses to engage in such work as pertains to the telephone and telegraph business. Every licensee shall report his licensing and the renewal thereof to the proper electrical inspector, if any there be in the city in which he operates. Holders of journeyman and special electrician's licenses shall be furnished with a duplicate of such license printed or engraved on a card two and one-half by four inches which the holder shall produce on lawful demand. For cause and after hearing all interested parties the Board may revoke such license, and shall notify the city inspector of such revocation. Licenses shall be renewed without examination on applications accompanied by proper fee.

§ 3. This act shall be applicable and apply in full to all persons engaged in or doing any work pertaining to the use of electricity for power, heat and light purposes, in cities or villages, having one thousand or more inhabitants and such other cities or villages as may express desire may appoint a local inspector to assist the state inspection department by the passing of local ordinances.

§ 4. A person under the age of twenty-one years shall be licensed only as a special electrician. Every applicant for a master electrician's license shall pay a fee of five dollars (\$5.00) and take oath that he has had three years experience in the occupation, or if a corporation applies an officer or manager thereof, shall make application and take such oath, after being duly examined as master electrician. An applicant for a journeyman's license shall pay a fee of three dollars (\$3.00) and take oath that he has had three years experience in installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars and make oath that he has had two years experience in the line of work for which he asks license, and which shall be set forth in the license. No contract for electric work shall be entered into by any one not a licensed electrician. Any electrician or corporation engaged in the business prior to the adoption of this law shall apply within sixty days after the taking effect thereof to the board for a license which shall be granted upon examination, and payment of the proper fee, provided however, that no master's license shall be issued under the provisions of this clause unless the applicant have in his employ at the time application is made, not less than one journeyman electrician and a place of business. No journeyman electrician shall at any time employ more than one such workman without first taking the proper examination and securing a master's license. The board shall make the examinations consistent with the class of license requested.

§ 5. Nothing in this act shall prevent a person from serving as an apprentice under a licensed electrician, and no master electrician shall allow an apprentice to work at any installation unless such apprentice is working with a licensed electrician on the job.

§ 6. The Commissioner of Insurance is hereby made State Electrical Inspector and it shall be his duty under the direction of the state board to provide for the inspection of such work as he may be called upon to approve according to the rules of the National Board of Underwriters, and to approve the appointment of local inspectors in cities, and villages coming within the provisions of this act. He may at any time order the removal of any local inspector for cause, or condemn any electrical work in dangerous condition. All cities and villages coming under the provision of this bill shall make provision for inspection by competent persons of all electrical work done within the confines of such city or village. Such local inspectors shall register their names with the Secretary of the State Board within ten days after their appointment. Fees may be charged to cover the cost of local inspection not in excess of one dollar (\$1.00) for each trip and shall be met by the local authorities. Fees collected under the provisions of this act shall be used solely for the purpose of furthering the improvements of the grade of electrical construction within the state, as directed by the board, said board to report to the Governor on or before the first Monday in January showing the receipts and disbursements for the preceding year. Provided further that in no one year shall the expense incurred by the board exceed the funds collected through fees the previous year. The revenue from such fees may be anticipated to meet such expenses the first year this act is in force but shall not exceed one thousand five hundred (\$1,500.00) dollars for such period.

§ 7. Any person who shall engage in the installing of electrical wires or apparatus without having complied with the laws embodied in this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars (\$10.00) and a maximum of one hundred dollars (\$100.00), both fines to be doubled in case of a second offense in the discretion of the court.

§ 8. In case the office of the State Fire Marshal is maintained the duties conferred by this act on the Commissioner of Insurance shall be performed by the office of the State Fire Marshal.

§ 9. REPEAL.] All acts and parts of acts in conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1917.

FARMERS' INSTITUTES

CHAPTER 119.

[H. B. No. 174—Walton.]

FARMERS' INSTITUTE.

An Act to Repeal, Amend and Re-enact Sections 1877, 1878, 1879 and 1880 of the Compiled Laws of North Dakota for the Year 1913, Relating to Farmers' Institutes and Providing an Appropriation Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:—

§ 1.] The deputy commissioner of agriculture and labor shall be ex-officio director of Farmers' Institutes. It shall be his duty to engage such lecturers as may be deemed necessary and conduct at least fifty farmers' institutes each year, the same to be of such a nature as to instruct the farmers of the state in maintaining the fertility of the soil, the production and improvement of cereal and forage crops grown in the state, principles of breeding as applied to domestic animals, the making and handling of dairy products, the destruction of noxious weeds and injurious insects, forestry, and the growing of various fruits, feeding and management of live stock, and especially such instruction as will tend to promote the best marketing conditions, home life, and comfort of the farming population.

He shall be allowed in addition to his regular salary, his actual and necessary traveling expenses when engaged upon business connected with the proper discharging of his duties under this article.

§ 2. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated, the sum of \$6,000 annually for carrying out the purpose of this act.

§ 3. All charges, accounts and expenses authorized by this article shall be paid by the treasurer of the State, upon the approval of the Commissioner of Agriculture and Labor.

Approved March 15, 1917.

GAMBLING HOUSES

CHAPTER 120.

[H. B. No. 317—Peterson of Towner.]

GAMBLING HOUSES.

An Act to Amend and Re-enact Section 9691 of the Compiled Laws of North Dakota, 1913, Relating to Gambling Houses Declared to be Public Nuisances and Providing Penalty for Maintaining Same.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 9691 of the Compiled Laws of North Dakota, 1913, be amended and re-enacted to read as follows:

§ 9691. GAMBLING HOUSES DECLARED TO BE PUBLIC NUISANCES. PENALTY FOR MAINTAINING.] Any house, building, room or place where any table, cards, dice or any article or apparatus whatever used or intended to be used in playing any game of cards or faro, or other game of chance upon which property or money is usually wagered, are kept, or where persons resort or are permitted to resort for gambling, or any disorderly house, building, room or place of public resort, by which the peace, comfort or decency of the immediate neighborhood is disturbed, are hereby declared to be a common nuisance; and if the existence of such nuisance is established, either in a criminal or equitable action, upon the judgment of a jury, court or judge, having jurisdiction, finding such place to be a nuisance, the sheriff, his deputy, or any constable of the proper county, police or marshal of any city where the same is located shall be directed to shut up and abate such place by taking possession thereof, and close the same against its use by anyone and keep the same closed for a period of one (1) year from the date of the judgment decreeing such place to be a common nuisance; and the owner or keeper thereof, or anyone aiding, abetting, or assisting such owner or keeper shall, if in a criminal action, upon conviction be adjudged guilty of maintaining a common nuisance and be punished by a fine of not less than twenty-five (\$25) dollars, nor more than one thousand (\$1,000) dollars and by imprisonment in the county jail not to exceed one (1) year.

Approved March 10, 1917.

GAME AND FISH

CHAPTER 121.

[H. B. No. 269—Lazier.]

ISSUANCE OF PERMITS FOR BREEDING OR DOMESTICATION OF CERTAIN FUR-BEARING ANIMALS.

An Act Relating to the Issuance of Permits for Breeding or Domestication of Certain Fur Bearing Animals.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. BREEDING OF MINK, MUSKRAT, SKUNK AND RACCOON. APPLICATION TO BE MADE TO GAME AND FISH BOARD. BOND TO BE GIVEN.] The game and fish board of this state may issue permits to breed or domesticate mink, muskrat, skunk and Raccoon upon application to it which shall contain:

1. The name and address of the applicant.
2. A description of the premises upon which the applicant shall keep such domesticated animals.

The approximate number and kinds of animals in possession at the time of making the application and whether they are wild or domesticated.

The application shall be accompanied by a fee of five dollars. The board may thereupon issue a permit to the applicant to keep such animals. Any person so holding such permit shall annually on the first day of January, report to the board any increase or decrease had upon the original number applied for. The board shall keep a record of all persons holding such permits.

Any person desiring to breed and domesticate such fur-bearing animals may apply to the game and fish board for a permit to catch and take for the purpose of breeding and domesticating only and such animals within certain described territory and within a described portion of the closed season and upon such applicant giving a bond to the State of North Dakota in the sum of five hundred dollars (\$500.00), with two or more sureties to be approved by said board, conditioned, among other things, that said applicant will only within the time prescribed and within the territory mentioned in the application, take and catch such animals for the purpose of breeding and domesticating, and that such applicant will not catch, take or use such animals for any other purposes and will not sell or otherwise dispose of the same, or of the carcasses, fur and hides thereof, the said board may issue to such applicant a permit to so catch and take such animals. At the end of the time stated in such permit the person named therein shall forthwith report to the game and fish board the kind and number of such

animals so caught and taken and receive a permit for their retention and domestication, as in this act provided.

§ 2.] Any person, who under the authority of this act, shall have in his lawful possession, any such fur bearing animals, shall be deemed to have a property right therein and to be the owner thereof, and any person who shall enter the enclosure where such animals are confined, or who shall catch, take or molest such animals when in such enclosure, shall be subject to the same liabilities, penalties and punishments as though the animals in question were ordinary domestic animals the subject of property rights in this state.

Any such animals or their furs or hides may be sold or shipped within or without the state upon receipt of written permission to do so from the board.

Approved March 10, 1917.

CHAPTER 122.

[S. B. No. 46—Lindstrom.]

SEASON FOR KILLING GAME BIRDS.

An Act to Amend and Re-enact Sections 33 and 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915, Relating to the Season for Killing Game Birds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 33 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

§ 33. GAME BIRDS. SEASON FOR KILLING.] No person shall hunt, take, kill, ship, convey or cause to be shipped or transported, by common or private carrier, to any person either within or without the state, expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, Chinese ring-neck or English pheasant, Hungarian partridge, wild duck of any variety, wild goose of any variety, brant of any variety, or aquatic fowl whatever, or any part thereof, except: First, that any snipe, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse, wood cock, golden plover may be killed or had in possession between the sixteenth day of September and sixteenth day of October, both inclusive, following. Provided, however, that no prairie chicken, turtle dove, snipe, Chinese ring-neck or English pheasant, Hungarian partridges shall be placed in cold storage. Second, that any wild duck of any variety or any wild goose or brant of any variety may be killed and had in possession between the sixteenth day of September and the first day of December, both, inclusive, following.

After the sixteenth day of September, 1918, it shall be lawful to kill and have in possession crane of any variety or swan, between the sixteenth day of September and the first day of December, both inclusive, following. Any person violating the provision of this Section shall be punished by a fine of not less than twenty-five or more than fifty dollars for each bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both fine and imprisonment, in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this Section.

§ 2. That Section 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

§ 52. BAG LIMIT OF GAME BIRDS.] No person shall in any one day take, catch, kill or destroy to exceed five each pinnated grouse (prairie chicken), sharp-tailed grouse (white breasted) grouse, turtle dove, plover of any variety or five of the same combined, or have in possession at any one time to exceed ten of each, of all combined; nor more than fifteen each of wild duck of any variety, wild geese of any variety, quail, woodcock or snipe of any variety or of the same combined, or have in possession at any time to exceed thirty each, or all of the same combined. Any person violating any provisions of this Section shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, for each and every bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court, for each and every bird so killed or destroyed, or had in possession contrary to the provisions of this section.

Approved March 8, 1917.

CHAPTER 123.

[H. B. No. 315—Larson.]

PRIVATE GAME PRESERVES.

An Act Providing for Private Game Preserves.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That any person owning or having control by lease, or otherwise, of lands within the State of North Dakota, may establish thereon a private game preserve for the propagation and domestication of deer, elk, and antelope. Such private game preserve shall not be less than two acres in extent and shall be so inclosed as to prevent escape of said animals. For the purpose of stocking such preserves antelope, elk or deer, may be imported or purchased from persons owning such animals, but no such animals

shall be captured or be permitted to be placed in such private game preserve which are now running wild in this state, unless permission is specifically granted by the State Game and Fish Board. The animals in such private game preserves shall not be subject to the provisions of the game laws of the State of North Dakota.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1917.

GARNISHMENT

CHAPTER 124.

[H. B. No. 345—Fraser.]

GARNISHMENT PROCEEDINGS.

An Act Relating to Garnishment Proceedings in the District Court and County Courts of Increased Jurisdiction; Providing for Witness Fees; Requiring the Filing of Summons and Affidavit; Prescribing the Manner of Making Defense and Claim for Exemptions.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WITNESS FEES.] In all garnishment proceedings in the District Court and County Courts of increased jurisdiction, the plaintiff, when the garnishment summons is served upon the garnishee, shall tender to the garnishee his traveling fees and fees for one day's attendance which fee shall be the same as witness fees in the District Court. If the same be not paid or tendered to the garnishee, he shall not be obliged to appear and answer or file any affidavit, or be otherwise liable as garnishee in the action. The return of service shall show that such fee was duly tendered to the garnishee at the time of service.

§ 2. FILING PAPERS WHEN ACTION DISMISSED.] The garnishment summons and affidavit of garnishment shall be filed in the office of the clerk of the court in which such action is commenced within ten days after service thereof on the garnishee, or the garnishment proceedings shall be deemed discontinued.

§ 3. DEFENDANT MAY DEFEND GARNISHMENT PROCEEDINGS; CLAIM FOR EXEMPTION, WHEN HEARD.] The garnishee may at his option defend the principal action for the defendant if the latter does not but shall be under no obligation so to do; provided that in all cases where the defendant claims the debt or property garnished to be exempt, such claim of exemption may be heard and determined by the court at any time after the claim is made on three days' notice to the opposite party.

Approved March 10, 1917.

GLANDERED ANIMALS

CHAPTER 125.

[S. B. No. 108—Drown.]

APPRAISEMENT OF GLANDERED ANIMALS KILLED.

An Act to Amend and Re-enact Section 2728 of the Compiled Laws of North Dakota for the year 1913 Relating to the Appraisement of Animals Killed or Destroyed According to Law for Being Affected with the Disease Known as Glanders.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2728 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2728. MAXIMUM VALUATION.] In making the appraisement the value put upon the animal or animals shall be the amount that such animal or animals would be worth had they not been affected with glanders; provided, however, that in no case shall the appraised value of any one animal exceed \$150.00 to be paid by the state as hereinafter provided.

Approved March 8, 1917.

GUARANTY FUND

CHAPTER 126.

[S. B. No. 217—Drown.]

DEPOSITORS' GUARANTY FUND.

An Act Entitled an Act Providing for the Establishment of a Depositors' Guaranty fund to guarantee payment of General Deposits, and the Establishment of a Commission to Supervise and Control such Fund, and Providing for the Liquidation of Insolvent Banks.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEPOSITORS' GUARANTY FUND COMMISSION. ESTABLISHED. COMPENSATION. EXPENSES.] There is hereby established a Depositors' Guaranty Fund Commission of the State of North Dakota to be composed of five (5) members, viz.: the governor of the State of North Dakota, the State Examiner and three members to be appointed by the Governor of the State, from a list of nine men, to be selected by the banks directly affected by the provisions of this act, said banks to be members of the corporation

known as the North Dakota Bankers' association. All succeeding appointments to membership of said commission, whether to fill a vacancy or otherwise, shall be made by the Governor of the State of North Dakota from a list of nine men furnished by the banks directly affected by the provisions of this act. All members of this commission shall be residents of the State of North Dakota and all members except the Governor and the State Examiner shall have had at least five years' experience in the management of some bank or banks located within the State of North Dakota. One of such members shall be appointed for a term of one year, one for a term of two years and one for a period of three years, and each succeeding appointment except to fill a vacancy caused by death, resignation or removal of a member shall be for a period of three years. The Governor shall be the chairman of said board and the attorney-general shall be ex-officio the attorney for the board and the State Examiner shall be its secretary. The Commission at its first meeting shall select one of its members as treasurer. The members of the Commission other than the Governor and the State Examiner shall receive for their services five (\$5.00) dollars per day for the time actually served and their actual expenses incurred in the performance of their duties, the same to be paid out of the general fund of the state. Said commission shall have the supervision and control of the Depositors' Guaranty Fund and shall have the power to adopt all necessary rules and regulations, not inconsistent with law, for the management and administration of said fund.

§ 2. COMMISSIONERS. QUALIFICATIONS. BONDS. OATHS AND FILING THEREOF.] Within fifteen (15) days from the date of the passage and approval and taking effect of this Act the members of the Depositors' Guaranty Fund Commission, other than the Governor and State Examiner, shall take and subscribe the oath of office prescribed by the Constitution, and shall take oath to keep secret all the facts and information obtained in the performance of their duties in like manner as is provided for the State Examiner in the State Banking laws, and subject to like penalties, and each shall give the State of North Dakota a surety company bond in the amount of ten thousand (\$10,000) dollars, except such Commissioner as shall be elected treasurer of the Depositors' Guaranty Fund Commission, who shall give a bond in the amount of twenty-five thousand (\$25,000) dollars, and in all cases when bonds are required from the members of the Depositors' Guaranty Fund Commission for the faithful performance of their respective duties the premium thereon shall be paid by the State Treasurer from the general fund of the state. All such bonds shall be subject to the approval of the Attorney General as to form and to the Governor as to sufficiency, and together with the oath of office of each of said Commissioners shall be filed with the Secretary of State.

§ 3. DEPOSITORS' GUARANTY FUND COMMISSION. REGULAR MEETINGS. DATES FIXED. SPECIAL MEETINGS. HOW CALLED. WHERE HELD.] The Depositors' Guaranty Fund Commission

created by the provisions of this Act shall hold at least four meetings during each calendar year at stated intervals as follows, to-wit: On the second Tuesday in January, April, July and October, provided that other meetings of the Commission may be convened upon written request by any two members of the Commission served upon the chairman of such Commission, who shall upon receipt of such request give notice to the Secretary of the date when a meeting shall be held in accordance with such request, and the Secretary shall in turn give notice thereof to all members of the Commission of the date of such meetings so to be held, as hereinafter provided; and provided further, that whenever a condition exists affecting the general banking business within the state, or when there is sufficient matter in the office of the Secretary entitled to receive consideration and disposition by the Depositors' Guaranty Fund Commission, as contemplated herein, or when in the opinion of the Secretary it is advisable to convene such Commission for counsel and direction on contingencies that may arise that would tend to prevent best results from being obtained hereunder as contemplated herein, it shall be within his power to convene the Commission and to that end forthwith give notice of the date of such meeting to all members of the Commission. All meetings of the Depositors' Guaranty Fund Commission shall be held in the office of the State Examiner.

§ 4. DEPOSITORS' GUARANTY FUND COMMISSION. SPECIFIC DUTIES.] It shall be the specific duty of the Depositors' Guaranty Fund Commission to pass upon the qualifications of each and every bank for admission under the depositors' guaranty fund and their actions shall be final, both as to immediate admission or what shall be further required of any bank in order to place it in a condition satisfactory to the Commission so that it may be admitted later. When the condition of any bank heretofore admitted under the Depositors' Guaranty Fund becomes such as to cause the State Examiner to doubt the advisability of permitting it to continue in business, it shall be within his power to require the advice and opinion of the Commission and for that purpose a meeting of the Commission may be called.

Any regular or called meeting of the Depositors' Guaranty Fund Commission as herein provided, at which there is not a full attendance of the membership, it shall be optional with a quorum whether or not any business shall be transacted, and such quorum may adjourn from time to time until such time as there shall be a full attendance.

§ 5. GUARANTY FUND. ASSESSMENT.] For the purpose of providing a Depositors' Guaranty Fund for the protection of depositors in banks, every bank engaged in the business of banking under the laws of this state, shall be subject to assessment to be levied, kept, collected and applied as hereinafter provided.

§ 6. EXAMINATION OF BANKS. APPROVAL OR LIQUIDATION.] It shall be the duty of the State Examiner and his deputies or any

qualified examiner or examiners to be elected and appointed by the Depositors' Guaranty Fund Commission to examine every State Bank and Trust Company doing business in this state within six months from the passage and approval and taking effect of this Act. Said Depositors' Guaranty Fund Commission shall have power to fix the compensation and expense allowance of such examiner or examiners employed by them, other than the State Examiner and his deputies.

All compensation and expenses of such examination shall be paid from the general fund of the state and no assessment shall be levied upon any bank by the Depositors' Guaranty Fund Commission until its condition shall be approved by the Depositors' Guaranty Fund Commission. Every bank whose condition is not approved by said Commission and which does not comply with the conditions and requirements imposed by said Commission within three months after notice of disapproval shall be immediately liquidated, as provided for the liquidation of insolvent banks; provided, however, that the Depositors' Guaranty Fund Commission shall have discretionary powers to extend the time not to exceed an additional six months.

§ 7. FILING STATEMENTS. ASSESSMENTS.] Within thirty days after the passage, approval and taking effect of this Act and annually thereafter every bank engaged in the business of banking in this state shall make and file with the Depositors' Guaranty Fund Commission, a statement in writing, verified by the oath of its president, vice-president or cashier, showing the average daily deposits in its bank for the preceding twelve (12) months.

Immediately after the date fixed for the making and filing of the first statement and annually thereafter the Depositors' Guaranty Fund Commission shall levy assessments against the assets of each of said banks as follows:

One-twentieth of one per cent on the average daily deposits as shown by the first statement of such average daily deposits required to be made and filed by the provisions of this section.

For each and every year thereafter, one-twentieth of one per cent of the average daily deposits as shown by the statement required to be made and filed under the provisions of this act in each year, until the total amount of money in the Guaranty Fund reaches one per cent of the average daily deposits; provided, however, that said Depositors' Guaranty Fund Commission shall have power to make and levy additional assessments of one-twentieth of one per cent, but not to exceed four such additional assessments shall be made in any one year.

Due and legal notice of such assessment or assessments shall be deemed to have been given when such notice as shall be prepared by the Secretary of the Commission has been placed in an envelope, securely sealed, registered and postage prepaid, directed to each of said banks and deposited in the United States mail.

Provided that when the Depositors Guaranty Fund reaches the total sum of one per cent of the average daily deposits, said assessment against the assets of said bank shall cease until such time as Guaranty Fund is depleted below three-fourths of one per cent of the average daily deposits, when the necessary assessment may be again levied at one-twentieth of one per cent per annum until said fund again reaches one per cent of the average daily deposits.

Provided further, that no bank which has complied in full with the provisions of this act shall be required to give any further security or bond for the purpose of becoming a depository for any public funds, but public funds shall be secured in the same manner as private funds are secured.

All deposits not otherwise secured shall be guaranteed by this Act. The Guaranty as provided for in this Act shall not apply to a bank's obligation as endorser upon bills re-discounted nor to bills payable, or to money borrowed from its correspondents or others. Each Guaranteed Bank shall certify under oath to the Depositors' Guaranty Fund Commission at the date of statements as hereinbefore provided, the amount of money it has on deposit not eligible to guaranty under the provisions of this Act, and in assessing such bank this amount shall be deducted from the total deposits.

§ 8. INTEREST ON DEPOSITS.] No bank transacting a banking business under this Act shall pay interest on deposits, directly or indirectly at a greater rate than five per cent per annum, unless authorized by the Depositors Guaranty Fund Commission to pay a greater rate in which no case shall exceed six (6) per cent per annum, and said Depositors' Guaranty Fund Commission is hereby authorized and empowered to grant permission to pay such higher rate; provided, that the rate so granted shall be uniform within any county.

Any officer, director or employee of any bank violating the provisions of this section, directly or indirectly, shall be deemed guilty of a felony and on conviction thereof shall be punished by a fine of not less than one hundred (\$100) dollars or more than five hundred (\$500) dollars or by imprisonment in the state penitentiary for a term of not less than one year or more than three years or both, in the discretion of the Court.

§ 9. AVERAGED ANNUAL STATEMENT. FALSE STATEMENTS. PENALTY.] Any bank commencing business and receiving deposits less than twelve months prior to the date when the statement referred to in section seven is required to be made and filed shall show the average daily deposits for that portion of said annual period during which it has been engaged in business and receiving deposits.

Any person making oath to any of the statements herein required, knowing the same to be false, shall be deemed guilty of a felony and be punished by a fine of not less than three hundred (\$300.00) dollars nor more than one thousand (\$1,000.00) dollars, or by imprisonment in the state penitentiary for a term of not less

than one year nor more than five years, or both, in the discretion of the Court.

§ 10. VOLUNTARY LIQUIDATION OR CHANGE TO A NATIONAL BANK.] If any bank desires to go into voluntary liquidation or change to a National bank before the assessment provided for in the last section becomes due and payable, the provisions of this act shall not relieve said bank from the payment of any assessments then due from it to the Depositors' Guaranty Fund.

§ 11. NEW BANKS.] Any bank organized subsequent to the passage, approval and taking effect of this act shall pay into the Depositors' Guaranty Fund an amount equal to two per cent of its capital stock, when such bank opens for business, which amount shall constitute a credit fund, subject to adjustment on the basis of said bank's average daily deposits, as shown by the first annual statement required by section seven of this article.

The Depositors' Guaranty Fund Commission is authorized and empowered to make an adjustment of the rates of assessment to be paid by any bank which engages in the banking business subsequent to the passage, approval and taking effect of this Act, and shall require such bank to contribute to the Depositors' Guaranty Fund, a just and equitable sum, and the Depositors' Guaranty Fund Commission shall adjust assessments of such bank so that the first two assessments, together with the credit fund of two per cent of the capital stock paid by said bank when it begins business, shall at least equal one-half of one per cent of the average daily deposits of said bank as shown by the first annual statement required by section seven of this article.

Provided, however, that said two per cent will not be required of new banks formed by the re-organization or consolidation of banks that have previously complied with the terms of this Act with reference to the payment of assessments.

§ 12. NOTICE OF ASSESSMENTS. DISPOSITION. PAYABLE ON DEMAND.] As soon as said assessments are respectively levied, the banks against which the same are levied shall be notified of the amount of such assessment levied against them respectively, by the Secretary of the Depositors' Guaranty Fund Commission, and said banks shall thereupon set apart, keep and maintain in their said banks the amounts thus levied against them and the amounts thus levied, kept and maintained shall be and constitute what shall be designated as the Depositors' Guaranty Fund payable to the Depositors' Guaranty Fund Commission on demand, for the uses and purposes provided.

§ 13. ASSESSMENT. FAILURE TO CREDIT.] Whenever any bank after due notice from the Secretary of the Depositors' Guaranty Fund Commission shall fail to pay over or credit on its books to the Depositors' Guaranty Fund any assessment as herein provided, for a period of twenty days, such bank shall be subject to a penalty of ten (\$10.00) per day for each day it so refuses or fails to pay over or credit to such Depositors' Guaranty Fund such

assessment and penalty, and the State Examiner shall at the expiration of thirty days from the date of notice of assessment herein provided, if said assessment and penalty still remains unpaid, take possession of the affairs of such bank and liquidate its business as provided by the State Banking Laws for making final disposition of insolvent banks.

§ 14. DEPOSITORS' GUARANTY FUND. FIRST LIEN. EXCEPTION.] Whenever any bank doing business in this State under the provisions of this Act shall suspend payment or become insolvent, the amount of money standing to the credit of the Depositors' Guaranty Fund on deposit in such bank shall be first lien upon the assets of such institution; save and except funds deposited in such institution by the State Examiner and belonging to the estate of any insolvent institution, which shall have preference over all other claims.

§ 15. DEPOSITS. PAYMENT.] When any bank doing business under the provisions of this Act suspends or becomes insolvent, the State Examiner shall forthwith proceed to determine the pro-rata amount due from each bank necessary to pay the unsecured depositors in full, and cause the same to be certified to the Depositors' Guaranty Fund Commission, and at the same time he shall certify to said Depositors' Guaranty Fund Commission the amounts due to the several depositors of such insolvent bank and also, at the same time, certify any amounts that may be owing by said depositors to said bank, and the treasurer of said Commission shall thereupon draw against the Depositors' Guaranty Fund on Deposit in the several banks in the amount thus certified, and shall immediately transmit to such depositors the amounts due them, less any amounts that may be owing by said depositors to said bank. Provided, however, that if there should not be sufficient funds in the Depositors' Guaranty Fund to pay said claims, then the Depositors' Guaranty Fund Commission shall issue certificate of indebtedness, negotiable in form, against the Depositors' Guaranty Fund and in favor of such bank, drawing interest at the rate of five per cent per annum, which said certificate of indebtedness shall become due and payable on the first day of March next succeeding the date of issue thereof, and shall be paid out of the first money accruing to the Depositors' Guaranty Fund. Such drafts against the Depositors' Guaranty Fund shall be pro-rated, as nearly as may be, among the several solvent banks wherein the same is as aforesaid kept and maintained, in accordance with the amounts thereof held by such banks respectively. All moneys collected or received from time to time by the Depositors' Guaranty Fund Commission under the provisions of this Act shall be deposited in one or more banks or trust companies operating under the provisions of this Act.

§ 16. SUBROGATION.] To the extent of the amount paid from the said Depositors' Guaranty Fund to satisfy the claims of depositors, said Depositors' Guaranty Fund Commission, for the

use and benefit of said funds, shall be subrogated to all the rights of the depositors thus paid, to participate in the assets of such bank and the same shall be enforced and collected by the State Examiner accordingly and when collected shall be placed in said fund and deposited by the Depositors Guaranty Fund Commission in the solvent banks subject to the provisions of the Depositors Guaranty Fund, proportionate as to the several deposits to the assessments levied against each of said banks.

§ 17. SAME REPORTS.] The State Examiner or Examiner in charge of any suspended or insolvent bank, possession of which has been taken under the provisions of this Act, shall make to the Depositors Guaranty Fund Commission not less than one report quarterly, according to such form as may be prescribed, such report to be verified by his oath.

§ 18. NOTICES NOT OTHERWISE PROVIDED FOR.] Whenever notice is required by the provisions of this act, and such notice is not otherwise provided for as to form or manner of service thereof, the same may be served in the manner now provided for the service of summons in civil action, or by registered mail, and an affidavit of such mailing of such notice by the person giving or serving same, shall be prima facie evidence of the service of such notice.

§ 19. NOTIFICATION OF ADMISSION CERTIFICATE.] Immediately after being passed upon favorably by the Depositors' Guaranty Fund Commission, the Secretary shall notify each and every bank showing such admission, the same to be signed by the chairman and attested by the Secretary of the Commission and bear the seal of the State Examiner. Such certificate shall be carefully preserved by the bank receiving same by being framed or otherwise properly protected, and shall at all times be displayed in a conspicuous position in the lobby of the bank.

§ 20. FORMS. APPROVAL.] The Depositors' Guaranty Fund Commission shall prescribe all such forms as may be useful, or necessary in carrying out the provisions of this act.

§ 21. PUNISHMENT. WHERE NOT OTHERWISE PROVIDED.] Where no other punishment is provided herein any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars or by imprisonment in the county jail for not less than thirty nor more than ninety days or both in the discretion of the court.

§ 22. SAVING CLAUSE.] Nothing in this act contained repealing any act for the regulation or conduct of banking, shall be construed, to release any person from punishment for any acts heretofore committed violating said act or acts nor effect in any manner any existing indictment or prosecution by reason of such repeal; and for that purpose such acts shall continue in force and effect notwithstanding such repeal.

§ 23. NATIONAL BANKS RE-ORGANIZED MAY QUALIFY. REQUIREMENTS.] Any national bank that has re-organized as a state

bank as provided herein, shall before engaging in business under the provisions of this act set apart and credit to the Depositors' Guaranty Fund such an amount as will place them on an equal basis in such respect, with other state banks heretofore admitted, computed on the average daily deposits of such banks during the prior calendar year.

§ 24. FEDERAL GUARANTY LAW.] Whenever by Act of Congress or by decision of the Federal court, or departmental construction of the National Banking Acts, National Banking Associations located and doing business within this State are permitted to avail their depositors of the protection of the Depositors Guaranty Fund, established by the law of this state for the re-paying of deposits in closed banks, such association, after examination at its expense by the State Examiner upon approval as to its financial condition, may participate in the assets and benefits of the Depositors Guaranty Fund upon terms and conditions in harmony with the banking law of this state to be fixed by the said Depositors Guaranty Fund Commission, provided that in the event national banking associations shall be required by federal enactment to pay assessments to any Depositors Guaranty Fund of the Federal Government and thereby the depositors in such association in this state shall be guaranteed by virtue of the Federal Laws, the association having availed themselves of the benefits of this act, may withdraw therefrom and have returned to them the unused portion of all assessments levied upon and paid by such associations.

§ 25. UNAPPROPRIATED ASSESSMENTS REFUNDED. WHEN.] If any bank organized under the laws of this state, having paid any assessment or assessments to the Depositors Guaranty Fund shall liquidate and go out of business, or shall desire to organize as a national bank and withdraw from the protection of the Depositors Guaranty Fund for its depositors, the portion of such assessment or assessments, which shall not have been used under the provisions of this act shall be refunded to any bank by the Depositors Guaranty Fund Commission. Provided, that no such bank shall be released from its proper proportion of all outstanding certificates of indebtedness of the Depositors Guaranty Fund, issued to the depositors of failed banks under the provisions of this act, nor until it shall have received permission in writing so to do from the Depositors Guaranty Fund Commission of this state after an examination of its condition.

§ 26. RESUME BUSINESS.] Such bank or trust company may upon repayment of any money advanced by the Depositors Guaranty Fund to such bank or trust company, with the consent of the Depositors Guaranty Fund Commission resume business upon such conditions as may be approved by said Commission.

§ 27. DEFINING BANKS AND BANKING FOR THE PURPOSES OF THIS ACT.] For the purpose of this act every corporation, except national banks whose business, in whole or in part, consists of the taking of deposits or buying and selling exchange shall be held to

be and is hereby declared to be a bank, and as thus defined shall be subject to the provisions of this act, provided further, that trust companies doing a general banking business as defined in this section separate and apart from the writing of surety bonds and other general business and building and loan association receiving savings deposits shall be declared to be a bank and shall also be subject to the provisions of this Act.

§ 28. NEW BANKS. ORGANIZING.] Any banks organized and authorized to do business under the provisions of the State Banking Laws, on and after the passage, approval and taking effect of this act shall sell the capital stock thereof at two (\$2.00) dollars per share above par and the amount received as a result of such advance shall be credited on the books of such bank to the Depositors Guaranty Fund as hereinbefore provided.

§ 29. REPEAL.] That part of sections 371, 1475 and 3317 of the Compiled Laws of North Dakota for the year 1913, and any and all other provisions of law requiring the giving of personal or surety bonds for deposits of public funds in so far as same applies to banks belonging to the Depositors Guaranty Fund, and all acts and parts of acts in so far as they conflict with the provisions of this this act are hereby expressly repealed.

Approved March 10, 1917.

HIGHWAYS

CHAPTER 127.

[H. B. No. 32—Reishus.]

HIGHWAY IMPROVEMENTS.

An Act to Amend and Re-enact Section 3, Chapter 110 of the Session Laws of the State of North Dakota for the year 1915, Relating to Highway Improvements.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3 of Chapter 110 of the Laws of North Dakota for 1915, Relating to Highway Improvements, be amended to read as follows:

§ 3. That said Board of Highway Improvements may meet on the second Tuesday in February of each year at the County seat, and it shall be their duty to formulate plans and methods for the uniform working and establishing of highways within their county; and such methods as they shall adopt shall be followed in each of the districts of said county, provided that no plan or resolution shall be adopted by said board that is in conflict with any law with reference to highways. A majority vote of all the members

of the county present shall be sufficient to pass such resolution, or to establish such method as may be proposed by said board or any member thereof.

Approved March 10, 1917.

CHAPTER 128.

[H. B. No. 203—Nims.]

HIGHWAYS.

An Act Providing for the Dragging of Roads and Levying a Tax Therefor, and Prescribing the Duties of County Commissioners, Township Supervisors and Township and District Overseers of Highways in Connection Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] All townships within the state having graded roads shall levy a tax each year upon all taxable property within the township, sufficient to create a road dragging fund of not more than five dollars (\$5.00) per mile for each mile of graded roads within such township. Such tax shall be levied at the same time and collected in the same manner as other road taxes are levied and collected. As a basis for computing the tax, in organized townships the township board of supervisors, and in unorganized townships the board of county commissioners, shall use the actual number of miles of graded roads. Provided, that when conditions have been so favorable in any given year that an unexpended balance is left in the road dragging fund, such amount shall be deducted from the estimated amount required for the succeeding year, before the levy is made.

§ 2.] The board of county commissioners or the board of township supervisors, as the case may be, shall divide the township into road dragging districts, and shall enter into written contracts with residents of such districts, providing for the dragging of roads when notice is given by the township or district overseer of highways, as the case may be. Provided, that if for any reason the board of county commissioners or the board of township supervisors, as the case may be, are unable to enter into contracts with residents of the districts for the dragging of the highways, they are authorized to contract with any person or persons within or without the township for such work, provided that in no case shall the amount to be paid for such dragging exceed the sum of one dollar per mile for each mile traveled back and forth while dragging the roads. The board of county commissioners or the board of township supervisors, as the case may be, shall adopt a suitable form of notice to be given by the township or district overseer of highways, as the case may be, when ordering the roads dragged, shall stipulate the manner of serving the same and shall furnish each

the approval of the township or district overseer of highways, as the case may be, and that are not inconsistent with this act, out of the road dragging fund, the amount to be paid for such dragging not to exceed the sum of one dollar per mile for each mile traveled back and forth while dragging the roads; they shall not allow any claim for dragging unless return card has been duly returned to the township or district overseer of highways, as the case may be, showing said work to have been done by his orders and within twenty-four hours (24) after receipt of notice to perform such service.

The township or district overseer of highways, as the case may be, shall be allowed all necessary expenses, and compensation to be fixed by the board having authority, for the time actually spent in the performance of his duties under this act, such expenses and compensation to be paid from the road dragging fund.

§ 3.] It shall be the duty of the township overseer of highways, or the district overseer of highways, as the case may be, to keep the dragging records of the township, recording therein the names of all persons entitled to compensation for dragging, the date of such service, the date of giving notice for such service, date of return card, the amount allowed for such service, but no person's name shall be recorded therein as being entitled to compensation for dragging unless his return card has been filed with the overseer of highways showing said service as having been performed by order of the township or district overseer of highways, as the case may be, and within the time limit required for such service. It shall be the duty of the township or district overseer of highways, as the case may be, to cause all roads to be dragged that the township supervisors, or county commissioners, as the case may be, may from time to time direct, at such times as in his judgment is most beneficial. He shall cause the work to be done by giving the parties contracted with for the performance of such service such notice as the board having authority may deem sufficient.

§ 4. It shall be lawful in operating under this law for the officers charged with the duty of expending the road dragging fund to proceed at once with the work upon the roads in their districts and cause warrants to be issued in payment therefor in anticipation of the current year's tax.

Approved March 12, 1917.

CHAPTER 129.

[H. B. No. 136—Koller.]

HIGHWAYS BUILT BY COUNTY COMMISSIONERS.

An Act Authorizing the Board of County Commissioners of any County to Appoint One or More Members of the Board to Personally Supervise the Building or Repairing of Roads, Bridges or Property Belonging to the County, and Fixing Their Compensation.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That whenever the Board of County Commissioners of any County is required by law to lay out, oversee and supervise the building or repairing of roads, and bridges, or the building or repairing of any property owned by the county, the Board may appoint or designate one or more members of the Board to personally lay out, oversee or supervise the building or repairing of any such roads, bridges, or property of the county. Each commissioner shall receive as compensation for his services the sum of five dollars per day and ten cents per mile for every mile necessarily traveled while engaged in the performance of duties herein mentioned.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 9, 1917.

CHAPTER 130.

[H. B. No. 58—Lowe.]

PAYMENT OF HIGHWAY TAXES.

An Act to Amend and Re-enact Section 1990p of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 168 of the Session Laws for the year 1915, Relating to Payment of Highway Taxes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 1990p of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 168 of the Session Laws for the year 1915, is hereby amended and re-enacted to read as follows:

§ 1990p. ROAD TAX. How PAID.] Any taxpayer in any township, who so elects, shall notify the township overseer of highways before May 1st, of his intention to work out his road tax, and the township overseer shall file a list of such names with the township clerk before May 15th. Provided, that in unorganized territory the district overseer of highways or the deputy county superintendent of highways shall file said list with the County Auditor. Said taxpayer shall then be employed on the highways at the time and place at which the district overseer or the deputy

county superintendent of highways shall designate. The compensation for this labor shall be paid as provided in Section 2012 and Section 2016 of the Compiled Laws of North Dakota, for the year 1913; provided, further, that in organized townships the township road overseer, and in unorganized territory the district road overseer or deputy county superintendent of highways, shall certify to the County Auditor on or before November 1st of each year the amount of taxes worked out by each taxpayer, and the County Auditor shall at once credit each taxpayer with the amount of taxes so worked out.

Approved March 10, 1917.

CHAPTER 131.

[H. B. No. 168—Committee on Highways.]

STATE HIGHWAY COMMISSION.

An Act Authorizing State Aid for the Establishment, Construction, Maintenance and Repair of Public Roads and Bridges, Making Appropriation therefor; Assenting to the Act of Congress (H. R. 7617) approved July 11, 1916; Creating a State Highway Commission and Prescribing its Duties; Prescribing the Duties and Fixing the Salary of the State Engineer in Connection therewith; Providing for the Disposition of Fines and Penalties; Amending and Re-enacting Sections 2976n, 2976o and 2976p of the Compiled Laws of North Dakota for the year 1913, and Section 1946 Compiled Laws of North Dakota for the year 1913, as amended in Chapter 108 of the Session Laws of 1915; Repealing Sections 602 to 607 inclusive of the Compiled Laws of North Dakota for the year 1913. Emergency.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. A state highway commission is hereby created, which shall consist of the governor, who shall be chairman, the state engineer, the commissioner of agriculture and labor, and two members to be appointed by the governor.

§ 2. The state highway commission shall meet at the capitol within thirty days after the taking effect of this Act, and thereafter it shall meet at such times and places as it may deem essential to the carrying out of the purposes herein. It shall determine the character and have general control and supervision of the construction, improvement, repair and maintenance of all roads and bridges improved under the provisions of this Act. It shall reserve out of the state highway fund hereby created a sufficient sum annually to meet its expenses and to pay the state's portion of the cost of properly maintaining all highways and bridges improved in pursuance of the provisions of this Act; and the balance of said state highway fund shall be expended by the state highway commission in the improvement of highways and bridges in the several counties in the following manner: Ten per cent of

said fund shall be spent within the discretion of the state highway commission and without regard to the amount of said fund collected in each county, and ninety per cent shall be spent by the said commission in the several counties in proportion to the amounts collected therein. Except that the sum appropriated in Section 9 hereof shall not be subject to the provisions of this Section.

§ 3. Each member appointed by the governor shall receive the sum of ten (\$10.00) per day for time actually and necessarily spent in the performance of his official duties, provided that no member shall receive more than \$600 in any one year. The members of the state highway commission shall be allowed actual and necessary traveling expenses incurred in the discharge of their duties.

§ 4. The state engineer shall be the chief engineer and secretary of the state highway commission, and he shall receive an annual salary of one thousand dollars in addition to his salary as state engineer. He shall have charge of all records of the state highway commission and he shall keep a record of all proceedings of the commission, and shall keep on file copies of all plans, specifications and estimates by his office. He shall cause to be made and kept in his office a general highway plan of the state and shall prepare or cause to be prepared a map of the main highways of the state which in the judgment of the several boards of county commissioners and the state highway commission are of sufficient importance to be designated as state roads. The system of state roads so designated may be amended and added to from time to time by the state engineer, subject to the approval of the state highway commission. He shall collect information and statistics with reference to the mileage, character and condition of the highways and bridges of the different counties of the state and he shall investigate and determine the best materials and the methods of road construction and maintenance best adapted to the various sections of the state. He shall, subject to the approval of the state highway commission, determine the character and have the general supervision of the construction, improvement, repair and maintenance of all roads and bridges constructed or improved under this Act and he shall prepare or cause to be prepared all plans and specifications therefor, and shall report all proceedings of his office relating to public highways to the state highway commission whenever required. He shall consult with and call for information from the county officials having authority over highways and bridges relative to any action affecting said highways and bridges, and it shall be the duty of the county commissioners to supply, or require the proper county officer to supply, all information that they are able to give relative to highways and bridges within their respective counties.

§ 5. Whenever the board of county commissioners of any county shall decide that any road or roads in such county shall be

improved or constructed under the provisions of this act, said board shall make written application to the state highway commission for aid in improving the proposed road or roads. If the state highway commission shall be satisfied that the proposed improvements shall be substantial in character and upon a main traveled road and that the county will be able to meet its portion of the cost of such improvement, it may improve the same and the state engineer shall proceed to view the said road and examine the same or part thereof proposed to be improved, and shall make all surveys, plans, specifications and estimates of cost for its construction out of such materials as may be decided upon by the state engineer. If such improvements cost \$3,000 or less, then it shall be discretionary with the state engineer, subject to the approval of the state highway commission, to execute such work or allow the county to do the work or let the same by contract. But where the cost of the proposed improvement will exceed \$3,000, the state engineer shall then advertise the same for bids, which advertisement shall be published for a period of three weeks in one or two newspapers having a circulation in each county in which the proposed highway lies, when such advertisement is in a weekly newspaper, and if the state engineer shall deem it advisable, for a period of fifteen days in not more than two daily papers of general circulation throughout the state. Such advertisement shall state where the bidder may inspect the plans and specifications, the place where the bids will be received, which shall be in the county where the proposed improvement is to be made, and the time and place for opening the same. Every such bid shall be accompanied by a certified check of the bidder in an amount equal to five per cent of his bid, which check shall be forfeited to the state highway fund should the bidder fail to execute the contract within ten days after notice of such award. The board of county commissioners in the county in which such improvement is to be made shall be notified by the state engineer of the time set for opening the bids.

§ 6. The state engineer shall award the contract to the lowest responsible bidder, subject to the approval of the county commissioners, but may reject any and all bids. The successful bidder shall be required to furnish bond in such amount as may be determined by the state engineer, subject to the approval of the state highway commission. If no satisfactory bid is received new bids may be called for or the work be done by the state highway commission.

§ 7. For the purposes of this act the necessary bridges on any highway shall be considered a part of such highway. But the contract for bridges may be let separately. The cost of all work of construction or improvement of bridges and highways under the provisions of this Act shall be paid, fifty per cent by the state and fifty per cent by the county in which the work of improvement is located. All highways and bridges constructed or improved under the provisions of this Act shall be maintained in accordance with

the standards prescribed by the state highway commission and subject to the supervision and inspection of the state engineer. The cost of maintaining such highways shall be borne fifty per cent by the state and fifty per cent by the counties; provided that when any county shall neglect to maintain any road so improved the state engineer may perform said work and charge the county's portion thereof to the allotment due such county from the state highway fund for the year in which the work is done.

§ 8. The legislative assent required by section 1 of the Act of Congress approved July 11, 1916 (Public No. 156) entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes," is hereby given. The state highway commission is authorized and empowered to make all contracts and to do all things necessary to co-operate with the United States government in the construction of rural post roads under the provisions of the said Act of Congress.

§ 9. In order to provide funds for the purpose of immediately organizing the state highway commission and performing all necessary preliminary work, purchasing supplies, office and field equipment and securing expert assistance, there is hereby appropriated out of the general fund of the state the sum of eight thousand (\$8,000) dollars, to be kept in a separate fund to be known as "The State Highway Fund."

§ 10. Section 2976n of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976n. DISPOSITION OF LICENSE MONEY.] The Secretary of State shall pay into the state treasury all moneys received by him under this act, which have been paid by owners of motor vehicles in any county and shall file with the state treasurer and the state auditor verified statements of the amounts and sources thereof and the amount to which each county is entitled under the provisions of this act. On the 15th day of every calendar month the State Treasurer shall pay into the county treasurer of each county, to the account of a special road maintenance fund as hereinafter provided, one-third of the moneys received by him from the Secretary of State under the provisions of this act, and shall credit the remaining two-thirds to the account of the state highway fund. Provided, however, that the State Treasurer shall first deduct from all moneys received by him from the Secretary of State the cost of tags, clerk hire, printing, postage, express and other expenses, as estimated by the said Secretary of State.

§ 11. Section 2976o of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976o. CLAIMS FOR MONEYS EXPENDED ON HIGHWAYS.] All claims for money expended on county highways under the provisions of this article shall be paid by the county treasurer upon the presentation of properly prepared vouchers approved by the county superintendent of highways, if there be one, and the board of county commissioners.

All claims for moneys expended by the state highway commission under the provisions of this article shall be paid by the state treasurer upon the presentation of properly prepared vouchers approved by the secretary of the state highway commission.

§ 12. Section 2976p of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976p. LICENSE MONEY TO BE EXPENDED FOR REPAIRS AND MAINTENANCE OF HIGHWAYS.] The money received by each county from this source shall be expended only for the repair and dragging of highways within the county, under the direction of the county board of commissioners, provided, that upon the application of any township which levies 50 cents on each \$100.00 valuation based on last prior valuation or more for road purposes, the county commissioners shall credit such township with a sum of money not to exceed five (\$5.00) dollars per mile, to be used in dragging the roads of said township, provided there are sufficient funds available for this purpose; otherwise the money shall be pro-rated between the townships making application therefor. No township shall receive more than fifty (\$50.00) dollars under the provisions of this section, in any one year. Provided, further, that none of this money shall be expended within the limits of any incorporated city or village.

§ 13. Section 1946 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 108 of the Session Laws of 1915, is hereby amended to read as follows:

§ 1946. FUND. HOW EXPENDED.] Such fund shall be expended only for road machinery and in grading, ditching and surfacing in proper form and condition for public travel, and dragging at proper times, such highways or parts of highways, howsoever established, as constitute the principal thoroughfares of the county, communicating with shipping points and market places resorted to by inhabitants of the county, for which the means otherwise provided are not, in the opinion of the county commissioners, sufficient; or the whole of said sum or any part thereof may be expended in co-operation with the state highway commission.

§ 14. REPEAL.] Sections 602 to 607 inclusive, of the Compiled Laws of North Dakota for the year 1913, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

EMERGENCY.] Whereas it is highly necessary and expedient that this law shall go into immediate operation, owing to the fact that nearly all owners of motor vehicles apply for registration prior to July 1st, and owing to the further circumstance that if this Act does not go into effect before July 1st there will not be sufficient money available in the state treasury to enable the state to comply with the requirements of the Federal law providing Federal aid for the construction and maintenance of roads, therefore, an emergency exists and this Act is hereby declared to be necessary for the immediate preservation of the public peace,

health, and safety, and shall go into effect and be in force from and after its passage and approval.

Approved March 5, 1917.

HOMESTEADS

CHAPTER 132.

[H. B. No. 98—Maxwell.]

CONFIRMATION OF CONVEYANCE OF THE FAMILY HOMESTEAD.

An Act to Re-enact Section 5517 of the Compiled Laws of North Dakota for the year 1913, Relating to the Confirmation of the Conveyance of the Family Homestead in any Case in which the same has been Deeded by both Husband and wife in Separate Instruments which Purport to Convey the Land to the Same Person, or his Grantees, and Validating such Deeds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 5517 of the Compiled Laws of North Dakota for the year 1913 is hereby re-enacted to read as follows:

§ 5517. SEPARATE DEEDS OF HUSBAND AND WIFE TO SAME PROPERTY LEGALIZED.] In all cases where a married man or woman has heretofore conveyed real property which may have been the homestead of himself or herself, or family, by a deed duly signed and acknowledged, but not signed by the wife or husband of such grantor, and such wife or husband either before or after, by a deed duly signed and acknowledged, conveys same real estate to the same grantee or a subsequent grantee from him, this conveyance by such separate deeds shall be valid and effectual to pass the title to such grantee or subsequent grantee, the same as if the conveyance had been made by a single instrument duly executed and acknowledged by both husband and wife.

Approved February 20, 1917.

HOTELS

CHAPTER 133.

[H. B. No. 24—Peterson of Towner.]

HOTEL INSPECTOR.

An Act to Amend and Re-enact Section 2986 of the Compiled Laws of North Dakota for 1913, Relating to the Appointment of and Duties of the Inspector of Hotels and Making the Duties of the Inspector the Work of the Food Commissioner at the Agricultural College.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2986 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2986. INSPECTOR OF HOTELS. APPOINTMENT. DUTIES. BOND.] For the purpose of carrying into effect the provisions of this article it shall be the duty of the Food Commissioner at the Agricultural College at Fargo and his duly appointed inspectors to perform all the duties of the "Inspector of Hotels" and to enforce the Hotel Inspection Law as provided for in Article 57 of the Political Code of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 170, Session Laws of 1915. The said Food Commissioner as Inspector of Hotels shall give bond to the state in the penal sum of \$5,000 conditioned for the faithful performance of his official duties. Whenever in this article the term "Inspector" is employed, the duties shall be performed by the Food Commissioner and his inspectors as hereinbefore provided. The field inspectors of hotels shall be appointed from the Food Inspection staff by the Food Commissioner with the approval of the State Board of Regents, and shall receive such salary as the Board of Regents recommends.

§ 2. EMERGENCY.] An emergency is hereby declared to exist in that no proper provision is made for the enforcement of the said law after the first Monday in January, and this Act is therefore necessary for the immediate preservation of public health and safety, and shall take effect and be in force from and after its passage and approval.

Approved February 27, 1917.

INTOXICATING LIQUORS

CHAPTER 134.

[S. B. No. 85—Heckle.]

CARRYING INTOXICATING LIQUORS.

An Act Amending Section 10136 of the 1913 Compiled Laws, Making it Unlawful to Receive, Carry or Deliver any Intoxicating Liquors to or for any Person within or into this State for Any Purpose and Prescribing the Procedure for Enjoining Such Receipt, Carrying or Delivery of Intoxicating Liquors by an Action in Equity.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 10136 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 10136. Any officer, agent, or employe of a railroad company, express company or other common carrier or other person engaged in the dray business, livery business or any private person who shall knowingly receive, carry or deliver, directly or indirectly, any intoxicating liquors to or for any person within this state or into this state to be used in violation of any law of this state or to be used for sale, gift or barter as a beverage, or to be kept for sale, gift or barter as a beverage, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than One Hundred Dollars nor more than Five Hundred Dollars and be imprisoned in the county jail not less than sixty days nor more than one hundred twenty days.

§ 2. It shall be and constitute a common nuisance for any officer, agent or employe of any railroad company, express company or other common carrier or for any person engaged in the dray business, livery business or for any private person to knowingly receive, carry or deliver directly or indirectly, any intoxicating liquors to or for any person within this state, or into this state, to be used in violation of any law of this state, or to be used for sale, gift or barter as a beverage; and if, in a criminal or equitable action, it is established and found by a court or jury that any of the acts prohibited by section one of this Act have been committed, then upon the application of the Attorney General, his assistants, or of the State's Attorney of the proper county, the district court shall issue its injunctional order enjoining and restraining the person found guilty of having committed any of such prohibited acts from receiving, carrying or delivering directly or indirectly, any intoxicating liquors to or for any person within this state or into this state to be used for any of the purposes above mentioned and in the event that such person is the officer, agent or employe

of any railroad company, express company or other common carrier, then it shall be the duty of the district court to issue its injunctional order against such railroad company, express company or other common carrier restraining and enjoining it and all of its officers, agents or employes within this state from receiving, carrying or delivering, directly or indirectly, any intoxicating liquors to or for any person within this state or into this state for any of the purposes above specified for a period of one year from the date of the service of such injunctional order.

§ 3. The application to the district court mentioned in the preceding section shall be made in the form of a civil action in the district court in the name of the State of North Dakota and the injunction may be granted at the commencement of action in the usual manner of granting injunctions except that the complaint may be verified by the attorney general, his assistants, or the state's attorney as the case may be upon information and belief and no bond shall be required and such complaint shall contain a concise statement of the facts established in either a criminal or civil action and proofs that such acts were so established shall be prima facie evidence thereof, provided, that it shall be sufficient to maintain such action that the complaint states facts sufficient to constitute a common nuisance as defined in the foregoing section, although not previously established in a criminal or civil action.

§ 4. If in such action it shall be established that any person has committed any one or more of the acts prohibited in section one of this Act, the court shall issue its injunctional order as provided in section two of this Act to continue in force for a period of one year from the date of the service thereof and in cases where an injunctional order was issued at the commencement of the action such order shall be ordered continued in force for a period of one year from the date of its service.

§ 5. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt for the first offense by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars and by imprisonment in the county jail for not less than sixty days nor more than one year, and for the second and each successive offense of contempt by imprisonment in the penitentiary not exceeding two years and not less than one year in the discretion of the court or judge thereof. In contempt proceedings arising out of the violation of any injunction granted under the provisions of this Act, the court, or in vacation, the judge thereof, shall have the power to try summarily and punish the party or parties guilty as required by law. Process shall run in the name of the State of North Dakota. The affidavits upon which the attachment for contempt issues shall make a prima facie case for the state. The accused may plead in the same manner as on information or indictment, in so far as the same is applicable. Evidence may be oral or in the form of affidavits or both; the defendant may be required to make answer to interro-

gatories, either written or oral, as in the discretion of the court or judge may seem proper; the defendant shall not necessarily be discharged upon his denial of the facts stated in the moving papers; the clerk of the district court shall, upon the application of either party, issue subpoenas for witnesses, and except as above set forth, the practice in such contempt proceedings shall conform as nearly as may be to that adopted by the nineteenth rule of the supreme court of the United States for proceedings in equity in the circuit courts.

Approved March 8, 1917.

CHAPTER 135.

[H. B. No. 388.—Walton.]

INTOXICATING LIQUORS DEFINED.

An Act to Amend and Re-enact Section 10105 of the Compiled Laws of the State of North Dakota 1913, Defining Intoxicating Liquors.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 10105 of the Compiled Laws of the State of North Dakota, 1913, is hereby amended to read as follows:

§ 10105. INTOXICATING LIQUORS DEFINED.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall by all courts be presumed, viz.: All spirituous, malt, fermented and vinous liquors (except unfermented grape-juice in hermetically sealed bottles), alcohol, whiskey, rum, brandy, beer, ale, porter, wine, hard cider and malt, or mixtures thereof, by whatsoever name called, or any liquor that will produce intoxication of any degree, or any liquor or liquids which are made, sold or offered for sale as a beverage and which shall contain cocculus, indicus, copperas, opium, cayenne pepper, picric acid, Indian Hemp, strychnine, tobacco, darmal seed, extract of logwood, salts of zinc, copper or lead, alum or any of its compound, methyl alcohol or its derivatives, amyl alcohol or any extract or compound of any of the above ingredients, or any liquid or compound of any name or description whatever, containing no alcohol whether medicated or not, capable of being used as a beverage and having the appearance or flavor of beer or malt, unless such liquor is pasturized and contained in hermetically sealed bottles, shall be considered and held to be intoxicating liquors within the meaning of this chapter.

§ 2. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety that this act shall become effective without delay for the following reasons, to-wit, namely: That a great quantity of liquid having the flavor and appearance of malt is being imported into this state and being sold for use as a beverage, which liquids are contained in wooden

kegs and other receptacles not hermetically sealed, and which liquids ferment in such receptacles and by chemical reaction produce alcohol in such liquids and render them intoxicating.

Therefore, this act shall become and be in full force and effect immediately upon its passage and approval by the governor.

Approved March 16, 1917.

CHAPTER 136.

[H. B. No. 39—Bowman.]

INTOXICATING LIQUORS—REGULATIONS FOR DELIVERY.

An Act Providing Regulations for the Delivery, or Receipt and Possession for Delivery of Intoxicating Liquor, and Penalty.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. It shall be unlawful for any person, firm or corporation to deliver, or receive or have in its possession for delivery within this state any intoxicating liquor for any purpose whatsoever, except that such liquors may be delivered, or received or possessed for delivery by common carriers to registered pharmacists to be disposed of by them as provided by law; and unless the package or container of such liquor shall be labeled on the outside in large clear letters showing the consignor, consignee, kind and quantity, percentage of alcohol, and place of delivery; and unless those items on the label shall immediately upon receipt of such liquor be clearly and legibly entered in ink in a record book as provided by Sections 2 and 3 of this Act, with date of receipt; and unless before delivering such liquor the signature and oath of the consignee be secured and date of delivery entered; and unless such record be kept on file in his, or their local place of business for two years after delivery and kept open to inspection by any officer whose duty it is to enforce the laws, or any person authorized in writing by such officer.

§ 2. RECORD OF DELIVERY, AFFIDAVIT.] Any person, firm, or corporation delivering, or receiving or having in possession for delivery any intoxicating liquors are hereby empowered to administer the oath as required by this Act.

RECORD

Consignor.....	
Consignee.....	
Kind.....	
Quantity.....	Lbs.
Percent of Alcohol.....	
Date Received.....	19.....
Date Delivered.....	19.....
Place. St. & No.....	
Number Expense bill or Bill of Lading.....	

AFFIDAVIT

State of North Dakota }
 County of } ss.

I, being first duly sworn,
 say: That I am over twenty-one years old; that my full name is

.....
 that I am the person who ordered and am the rightful consignee of
 the intoxicating liquor recorded on this page; that I am a registered
 pharmacist and conduct a drug store at Lot Block
 and Plat of the town, village or city of
 North Dakota; that this liquor is intended for sale by me as pre-
 scribed by law and will not be received, used, given away, or sold
 in violation of this Act or any law of this state.

Signed
 Consignee and Registered Pharmacist.

IDENTIFICATION.

State of North Dakota }
 County of } ss.

I, of lawful age, be-
 ing first duly sworn say; that I know this person and know him to
 be the identical consignee whose name is recorded on this page as
 consignee.

Signed
 Identifier.

Subscribed and sworn to before me this day of
 19.....

.....
 Person making delivery.

§ 3.] It is further provided that the attorney general shall
 have published record affidavit blanks identical with Section 2 of
 this Act, bound in books of 100 affidavits and page each numbered
 from 1 to 100 consecutively and each book shall bear his endorse-
 ment and official seal on the outside cover and such books shall
 be furnished at a cost equal to the actual and necessary outlay made
 therefor by him including clerk hire and postage.

§ 4.] It is further provided that any person, firm, or corpora-
 tion who shall deliver, or receive or have in possession for delivery
 any intoxicating liquor to other than a registered pharmacist, or
 who shall fail to comply with any of the provisions of this Act, or
 shall make or keep any false record, or deliver any intoxicating liquor
 without proper identification or any person who shall make or
 sign any affidavit containing any false statement, or falsely identify
 any person, or in any manner, deliver, or aid, abet, or secure the
 delivery of any intoxicating liquor to himself or any person in
 violation of this Act or the laws of this state shall be held to be
 violating this Act and shall for the first offense be deemed guilty

of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$200 nor more than \$1,000 and be imprisoned in the county jail not less than 90 days and not more than one year; and for the second and every successive offense shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary not exceeding two years and not less than one year.

Approved March 9, 1917.

INSURANCE

CHAPTER 137.

[H. B. No. 275—Magneson.]

ACCIDENT AND HEALTH INSURANCE COMPANIES.

An Act Requiring Assessment, Accident and Health Insurance Companies, or Associations, to make deposit with the Commissioner of Insurance.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEPOSIT.] Each foreign assessment, accident and health insurance company, or association doing business in this state on the assessment plan shall keep at all times deposited with the commissioner of insurance of this state, one regular assessment sufficient to pay the average loss or losses occurring among its members in this state during the time allowed by it for the collection of assessments and payment of losses. And no such company, or association, shall be licensed by the commissioner of insurance unless it shall keep and maintain with him for the protection of its obligations at least ten thousand dollars (\$10,000.00) in United States or North Dakota bonds, or in the bonds of some county, city or town in North Dakota, or mortgages on improved unincumbered real estate within this state, worth double the sum loaned thereon, and approved by the commissioner of insurance.

Approved March 12, 1917.

CHAPTER 138.

[S. B. No. 135—Allen.]

CO-OPERATIVE AND ASSESSMENT LIFE ASSOCIATIONS.

An Act Permitting Co-operative and Assessment Life Associations to Transact Business Within this State; Permitting Associations Operating on such Plans to Transact Business in this State and Providing a Method for Valuing Their Policies.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. All co-operative or assessment life associations licensed to transact business within this state, and such associations duly licensed and transacting business in other states, shall be admitted to transact business in this state upon compliance with the general laws relating to the licensing and admission of life insurance companies without being required to value their policies in conformity with Section 4923 of the Compiled Laws of the State of North Dakota for the year 1913.

§ 2. All such associations shall accumulate and maintain assets in excess of actual liabilities for death losses sustained and expenses incurred equal to two percent of all insurance such association has in force, and such assets shall consist of cash, money on deposit in banks and such securities as are prescribed by the laws of this state.

§ 3. All such associations shall value their policies in the same manner as yearly renewable term policies are valued, according to the standard of valuation of life insurance policies prescribed by the laws of this state.

§ 4. Each and every co-operative or assessment life association transacting business in this state shall print in bold type and in red ink, near the top of the front page of each policy or certificate issued upon the life or lives of any resident or residents of the State of North Dakota, the words "Issued upon the Assessment Plan."

§ 5. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1917.

CHAPTER 139.

[H. B. No. 153—Olson.]

DOMESTIC MUTUAL INSURANCE COMPANIES.

An Act to Amend and Re-enact Section 4871 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Membership, Notice of Meetings, Articles of Incorporation, Renewal of Term of Corporate Existence and By-Laws of Domestic Mutual Insurance Companies.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4871 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 4871. INSURED A MEMBER, NOTICE OF MEETINGS, ARTICLES OF INCORPORATION, RENEWAL OF TERM OF CORPORATE EXISTENCE, BY-LAWS.] Every person insured by a domestic mutual insurance company, other than life, shall be a member while his policy or policies are in force, entitled to one vote only, and shall be notified of the time and place of holding its meetings by a written notice or by an imprint on the back of each policy, receipt or certificate of renewal as follows, to-wit:

"The assured is hereby notified that by virtue of this policy he is a member of the mutual insurance company, and that the annual meetings of such company are held at its home office on the day of in each year at o'clock."

The blanks shall be duly filed and the same shall be deemed a sufficient notice.

Articles of incorporation may be amended, the term of corporate existence extended and by-laws adopted, amended or repealed at any annual meeting or at a special meeting called for that purpose, by a two-thirds vote of the members voting. The provisions of this section shall also apply to county mutual insurance companies.

Approved March 10, 1917.

CHAPTER 140.

[H. B. No. 393—Geiger.]

ORGANIZATION OF INSURANCE CORPORATIONS.

An Act to Amend Section 4836 Revised Codes 1913, Relating to the Purposes for which Insurance Corporations May be Formed in North Dakota:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That Section 4836 of the Revised Codes of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 4836.] Any number of persons, not less than seven, may form a corporation to carry on the business of insurance, either upon the

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stock or mutual plan, against loss or damage by fire, lightning, cyclone, tornado, hail or theft, or the risks of inland navigation and transportation, or to make insurance upon the lives of persons and every insurance pertaining thereto, and against accidental injuries including the granting, purchasing and paying of annuities and indemnities and to transact fidelity insurance and corporate suretyship; also including insurance upon automobiles, covering in one policy or in separate policies fire, theft, property damaged, liability and collision insurance. An insurance company incorporated under the provisions of this chapter shall have power to make insurance of any of the kinds hereinbefore mentioned, which shall have been expressed in its articles of incorporation.

§ 2.] All acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

Approved March 10, 1917.

CHAPTER 141.

[H. B. No. 154—Magnuson.]

PAYMENT OF DIVIDENDS BY DOMESTIC FIRE INSURANCE COMPANIES FROM SURPLUS PROFITS.

An Act to Amend and Re-enact Section 4844 of the Compiled Laws of North Dakota for the year 1913, Relating to the Payment of Dividends by Domestic Fire Insurance Companies from Surplus Profits.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4844 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted so as to read as follows:

§ 4844. DIVIDENDS ONLY FROM SURPLUS PROFITS. PROFITS, HOW ESTIMATED.] No domestic fire insurance company shall make any dividends except from the surplus profits arising from its business; and in estimating such profits there shall be reserved therefrom a sum equal to forty per cent of the amount of premiums on all unexpired risks and policies, which amount so reserved, is hereby declared to be unearned premiums; and there shall also be reserved all sums due the company on bonds, mortgages, stocks and book accounts of which no part of the principal or interest thereon has been paid during the year preceding such estimate of the profits, and upon which suit for foreclosure or collection has been commenced, or which after judgment has been obtained thereon shall have remained more than one year unsatisfied and on which interest shall not have been paid.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 12, 1917.

CHAPTER 142.

[H. B. No. 45—Harris.]

PROHIBITING SALE OR NEGOTIATION OF A PROMISSORY NOTE
TAKEN IN PAYMENT OF A FIRST PREMIUM OF A LIFE,
HEALTH OR ACCIDENT INSURANCE POLICY.

An Act to Prohibit the Sale or Negotiation of a Promissory Note Taken in Payment of a First Premium of a Life, Health or Accident Insurance Policy, until after the Applicant has been Examined or has received a Binding Receipt, and the Examination has been received by the Insuring Company.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. No promissory note taken in settlement of the first premium on any life, health or accident insurance policy, shall be in any manner sold or negotiated prior to the applicant's medical examination, where one is required or unless a binding receipt for such premium signed by an authorized agent of such insurance company has been delivered to the applicant, nor until such application and medical examination has been received by such insurance company.

§ 2. PENALTY.] Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall for the first offense be punished by a fine of not less than fifty dollars (\$50.00) or by imprisonment in the County Jail for a period of not less than ten (10) days nor more than thirty (30) days, or by both fine and imprisonment, in the discretion of the Court, and for the second offense shall be punished by fine or imprisonment as provided in the case of the first offense.

Approved, February 20, 1917.

INSANE

CHAPTER 143.

[H. B. No. 244—Liederbach.]

COMMITMENT OF FEEBLE MINDED PERSONS.

An Act to Amend and Re-enact Section 1714 of the Compiled Laws of North Dakota for the year 1913, Relating to the Commitment of Feeble Minded Persons to the Institution for the Feeble Minded.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1714 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby repealed and re-enacted so as to read as follows:

§ 1714. All feeble minded persons residents of this state, who,

in the opinion of the superintendent, are of suitable age and capacity to receive instruction in the institution for the feeble minded, and whose defects prevent them from receiving proper training in the public schools of the state and all idiotic and epileptic persons residents of this state shall receive the benefits of the institution subject to the payment of the sums hereinafter provided, and to such rules and regulations as may be made by the Board of Control; provided, however that any inmate of such institution shall not be removed therefrom except on written request of the parent, guardian or custodian of such inmate which said request must receive the approval of the Board of Control and superintendent before such inmate can be removed. Feeble minded persons shall be committed to the institution for the feeble minded in the same manner and on pursuing the same course of legal commitment as govern admission to the State Hospital for the Insane. Such commitment shall comply with such rules and regulations as may be made by the Board of Control, and shall be accompanied by the certificate of indigence as provided in Chapter 113 of the Session Laws of North Dakota for the year 1915.

Approved March 12, 1917.

CHAPTER 144.

[H. B. No. 202—Committee on Appropriations.]

COST OF MAINTAINING PATIENTS IN HOSPITAL FOR INSANE.

An Act to Amend and Re-enact Section 1762 of the Compiled Laws of North Dakota for the year 1913, Relating to the Cost of Maintaining Patients in the Hospital for the Insane.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1762 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 1762. COST OF TREATMENT. HOW DETERMINED.] The board of control of the state hospital for the insane shall from time to time fix the amount to be paid for the board, care and treatment of the patients, which shall not exceed the sum of eighteen dollars per month for residents of the state; provided, however that all nonresidents shall pay the actual cost of care and treatment, and the amounts so fixed shall be the sum the state hospital for the insane shall be entitled to demand for keeping any patient, and the certificate to that effect, subscribed and sworn to by the superintendent shall be evidence of the amount due as fixed.

Approved March 10, 1917.

CHAPTER 145.

[S. B. No. 202—Murphy.]

FEEBLE MINDED PERSONS.

An Act to Amend and Re-enact Section 1717 of the Compiled Laws of North Dakota for the year 1913, as Amended by Section 4 of Chapter 113 of the Session Laws of 1915, Relating to the Support of Feeble Minded Persons in the Institution for the Feeble Minded.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1717 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 4 of Chapter 113 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as to read as follows:

§ 1717. The person legally responsible for the support of any person admitted to the Institution for the Feeble Minded shall pay the sum of fifteen dollars per month during all the time such defective person is an inmate of the Institution. This amount shall be paid to the County Treasurer monthly. If the person liable to pay this amount fails or neglects to make payment thereof upon demand by the Auditor, the Board of County Commissioners must direct the States Attorney to bring an action in the name of the state against such person for the recovery of such payments as are delinquent. This action shall be a civil action and shall be brought in the district court of the county responsible for the inmate in the institution for Feeble Minded. If the person liable for the support of such inmate be unable to pay such sum, for which inability the certificate of the county judge of the county from which such inmate was admitted shall be prima facie evidence, such sum shall be a charge upon the county and no action shall be brought or maintained against a person unable to pay for the support of such inmate after the county judge has issued the certificate herein provided. Provided, however, that before such certificate of inability to pay be issued by the county judge, full and correct answers must be given to a property statement, the form of which shall be prepared by the State Board of Control, in the same manner as prescribed for the admission of patients to the Hospital for the Insane by section 2560 of the Compiled Laws for the year 1913; and the correct postoffice address of the parent, parents, guardian or next of kin of such feeble minded person shall be given. A copy of such property statement and the address of the parent, parents, guardian or next of kin of such feeble minded person shall be attached to and made a part of the said certificate of the county judge.

Approved March 1, 1917

CHAPTER 146.

[S. B. No. 90—Gronvold.]

LOCATION OF ASYLUM FOR INSANE.

An Act Locating the Asylum for the Insane Authorized by the Amendment to the Constitution of the State of North Dakota which was approved by the Electors of the State at the Last General Election, at or near the City of Rugby, Pierce County.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby located at or near the City of Rugby in Pierce County, North Dakota, the asylum for the insane authorized by the amendment to the Constitution of North Dakota, which was approved by the electors of the State at the general election in November, 1916.

Approved March 16, 1917.

IMMIGRATION

CHAPTER 147.

[H. B. No. 140—Stinger.]

PROSPECTIVE SETTLERS.

An Act to Provide Reliable Information to Prospective Settlers, and to Protect Both Seller and Buyer from Unfair and Unscrupulous Dealers in Lands, Also to Encourage Immigration.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DUTIES OF COMMISSIONERS OF LABOR OR HIS AGENTS.] It shall be the duty of the Commissioner of Agriculture and Labor or his agents to make, or cause to be made a collection of the different products of our state, and to arrange them in sets, of samples, showing the several grains and grasses that thrive best in North Dakota, also any coal or mineral deposits, also samples of clays that are capable of being reduced into mercantile products, and cause each set so selected to be put into a neat case with one side covered with glass, so as to show such products, and to establish several headquarters, or places, where these cases shall be placed, where the public will congregate, or pass, so as to show the public our advantages for settlers in a fair and economical manner; and such Commissioner of Labor or his agents shall attend gatherings wherever practicable and exhibit one of these sample cases, and if called upon shall address gatherings on the subject of the advantages and opportunities of the settler in North Dakota; they shall also cause pamphlets to be printed explaining the ad-

vantages and opportunities for settlers in our state and shall cause to be kept with each sample case, for free distribution, and in such other places, that they will come to the notice of people, likely to become settlers of our state, if properly informed.

§ 2. SHERIFF'S DUTY. COUNTY'S PRIVILEGE. DUTY OF COMMISSIONER OF AGRICULTURE AND LABOR.] The sheriff of each county shall act with the Commissioner of Agriculture and Labor and shall aid in gathering samples for the use of the immigration agent or Commissioner of Agriculture and Labor, and any board of county commissioners, may have gathered samples of the products of their county, and purchase, or have made, suitable cases, in which to place sample products of their county; and may forward such cases, ready for exhibition purposes, to the Commissioner of Agriculture and Labor, whose duty it shall be to place such cases on exhibit, in such places as will, in his judgment, be possible to give reliable information to the greatest number of parties, that may be prospective settlers, and for placing these sample cases, may go into any of the United States or Canada, and arrange for their being placed in such places, as will expose them to the greatest number of people, and such cases shall be kept in good condition, replacing, or adding to such samples, as in his judgment, will best represent the true products of the several counties, or the whole state; and any pamphlets, or circulars, that are printed for the purpose of information to prospective settlers, by the authority of the Commissioner of Agriculture and Labor during the time these cases are on exhibition, shall be kept for distribution at the same places, where such sample cases are kept for free distribution.

Approved March 12, 1917.

CHAPTER 148.

[S. B. No. 129—Porter.]

REIMBURSEMENT OF SERVICES FOR BOARD OF IMMIGRATION.

An Act Appropriating Money to Reimburse W. A. Stickley for Services Performed for the Board of Immigration.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated to reimburse W. A. Stickley for four and one-half months services as Secretary to the Board of Immigration, the sum of \$562.50.

Approved March 7, 1917.

JURORS

CHAPTER 149.

[H. B. No. 306—Harris.]

CHALLENGE OF JURORS IN CIVIL ACTIONS.

An Act to Amend and Re-enact Section 7615 of the Compiled Laws of North Dakota for the year 1913, Relating to Challenges of Jurors in Civil Actions, By Whom Made and Number Allowed.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 7615 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 7615. CHALLENGES CLASSED. BY WHOM. NUMBER ALLOWED.] Either party may challenge the jurors, but when there are several parties on either side, they must join in a challenge before it can be made. The challenges are to individual jurors and are either peremptory or for cause. Each party is entitled to six peremptory challenges. If no peremptory challenges are taken until the panel is full, they must be taken by the parties alternately, commencing with the plaintiff.

Approved March 10, 1917.

CHAPTER 150.

[H. B. No. 177—Maxwell.]

FEES OF JURORS.

An Act to Amend and Re-enact Section 3534 of the Compiled Laws of North Dakota for the year 1913, Relating to the Fees of Jurors.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3534 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 3534. FEES ALLOWED.] Jurors are entitled to receive:

1. For each day's attendance in district court as grand, petit or special juror, to be paid by the county, four dollars.
2. Traveling expenses for each mile actually and necessarily traveled each way, to be paid by the county, five cents.
3. For each day's attendance as juror in justice's court, one dollar.
4. For each day's attendance as juror at coroner's inquest, to be paid by the county, two dollars.

Approved March 1, 1917.

LAND CONTRACTS

CHAPTER 151.

[S. B. No. 9—Martin.]

REDEMPTION LAND CONTRACTS.

An Act to Amend and Re-enact Section 8122 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 180 of the Laws of 1915, Relating to Foreclosure of Land Contracts.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 8122 of the Laws of North Dakota for the year 1913 as amended by Chapter 180 of the laws of 1915, be amended and re-enacted so as to read as follows:

§ 8122. TIME ALLOWED.] Such vendee, or purchaser, or his assigns shall have six months after the service of such notice upon him in which to perform the conditions or comply with the provisions upon which the default shall have occurred and upon such performance and upon making such payments, together with the cost of service of such notice, such contract or other instrument shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein. If, however, such vendee or purchaser, or his assigns, shall not complete such performance or make such payment within the six months herein provided, then and in that event the contract shall be terminated and shall not be re-instated by any subsequent offer of performance, or tender of payment. No provision in any contract for the purchase of land or an interest in land shall be construed to obviate the necessity of giving the aforesaid notice and no contract shall terminate unless such notice is given, any provision in such contract to the contrary notwithstanding, but the notice herein required shall not be deemed necessary where the contract in question is sought to be terminated by an action at law or in equity brought for that purpose upon failure to perform.

In all cases of cancellation by notice of any such contract which has been recorded in the office of the Register of Deeds, a copy of the notice of cancellation served upon the vendee together with an affidavit of service and an affidavit of vendor or his assigns, that the default of vendee under the terms of the contract were not cured within six months from the date of service of such notice, shall be recorded in the office of the Register of Deeds.

§ 2. Provided, that when it shall be made to appear by affidavit of the vendee or purchaser or his assigns, his agent or attorney, to the satisfaction of a Judge of the District Court of the county where the property is situated, that the vendee or purchaser or

his assigns has a legal counterclaim or any other valid defense against the collection of the whole or any part of the amount claimed to be due on such contract, such judge, may, by an order to that effect, enjoin the vendor or his successor in interest from the cancellation of such contract as herein provided, and direct that all further proceedings for the cancellation be had in the District Court properly having jurisdiction of the subject matter; and for the purpose of carrying out the provisions thereof, service may be made upon the vendor or his assigns or upon his attorney or agent.

§ 3. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 10, 1917.

LARCENY

CHAPTER 152.

[H. B. No. 340—Lang.]

LARCENY.

An Act Defining the Crime of Using, with Intent to Defraud Proceeds of Payment Made to a Contractor or Sub-Contractor on Any Improvement to Real Estate for Any Other Purpose than the Payment of Labor, Materials, Machinery or Fixtures, Performed or Furnished for such Improvement while the Same Remains Unpaid for, as Larceny, and Defining the Penalty Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] Any contractor or sub-contractor on any improvement to real estate within the meaning of Section 6814 of the Compiled Laws of 1913, with intent to defraud, shall use the proceeds of of any payment to him on account of such improvement by the owner of such real estate, or person having any improvement made, for any other purpose than the payment of labor performed upon, or materials, machinery or fixtures furnished for such improvement, while any such labor performed, or materials, machinery or fixtures furnished for such improvement at the time of such payment, remains unpaid for, shall be guilty of larceny of the proceeds of such payment so used.

§ 2. When payment so used in violation of the preceding section is of an amount exceeding twenty dollars (\$20.00), such person shall upon conviction be punished as provided by law for the crime of grand larceny, and when the amount of such payment so used in violation of the preceding section is of an amount to twenty dollars (\$20.00) or less, such person shall upon conviction be punished for petit larceny.

§ 3. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1917.

MARRIAGE LICENSES

CHAPTER 153.

[S. B. No. 277—King.]

MARRIAGE LICENSES.

An Act Regulating the Issuance of Marriage Licenses When Either of the Applicants Therefor Have Been Granted a Decree of Divorce.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The County Judge of each county in this State, when applied to by any person for a marriage license, shall, in addition to the requirements now provided by law, require each of the contracting parties to file an affidavit under oath, setting forth the fact as to whether or not either or both have been divorced, and in case it appears from such affidavits that a decree of divorce has theretofore been granted to either or both of such parties, the county judge shall require a certified copy of such decree or decrees of divorce to be filed with such application.

§ 2. No marriage license shall be issued to such parties which would in any manner contravene any provision contained in such decree or decrees of divorce mentioned in Section 1 hereof.

Approved March 8, 1917.

MECHANICS LIEN

CHAPTER 154.

[S. B. No. 265—Jacobsen.]

CLERK OF DISTRICT COURT.

An Act Relating to the Duty of the Clerk of the District Court regarding Filing Satisfactions of Mechanics' Liens and providing a Penalty for the Violation thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Whenever there shall be filed with the Clerk of the District Court a satisfaction of a mechanic's lien as provided in

Section 6829 of the compiled laws of North Dakota for the year 1913, it shall be the duty of such clerk to enter such satisfaction directly opposite the abstract of such lien in the book, provided for by Section 6821 of the Compiled Laws of North Dakota for the year 1913, and any failure of any clerk so to do, or for any error, omission or neglect of such clerk in so entering such satisfaction, such clerk shall be liable for any damages sustained by reason of any failure, error, omission or neglect, to be recovered in a civil action.

Approved March 8, 1917.

MOTOR VEHICLE

CHAPTER 155.

[H. B. No. 384—Kelly.]

GLARING HEADLIGHTS ON MOTOR VEHICLES.

An Act Relating to Glaring Head Lights on Motor Vehicles and Prescribing Penalty for Violation.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. GLARING HEADLIGHTS.] It shall be unlawful to use a vehicle of any kind operated on the public highways of this state any lighting device of over four candle power equipped with a reflector, unless the same be so designed, deflected, or arranged that no portion of the beam of reflected light, when measured 75 feet or more ahead of the lamps, shall rise above 42 inches from the level surface on which the vehicle stands under all conditions of load. Spotlights shall not be used except when projecting their rays directly on the ground and at a distance not exceeding 30 feet in front of the vehicle.

§ 2. Any person violating the provisions of this act shall upon conviction thereof be fined not less than ten nor more than twenty-five dollars.

Approved March 16, 1917.

CHAPTER 156.

[H. B. No. 167—Introduced by the Committee on Highways.]

MOTOR VEHICLE LICENSE FEE.

An Act Providing for Dealers' Motor Vehicle License Fees, and Amending Sections 2976e, 2976g, 2976h, 2976o and 2976p of the Compiled Laws of 1913, relating to Motor Vehicle License Fees, Registration Tags, Display of Registration Tags, Disposition of License Money by Secretary of State. Claims for Moneys Expended. Expenditure of Moneys received under this Act, and providing that License Fees, excepting Dealers' License Fees shall be in lieu of all other Taxes. Emergency.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEALERS' NUMBERS, DUPLICATES, FEES.] Every person, firm, association or corporation manufacturing or dealing in motor vehicles, may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application upon a blank to be furnished by the Secretary of State, for a general distinctive number for all the motor vehicles of one make owned or controlled by such manufacturer or dealer, such application to contain:

(a) A brief description of each make of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motive power, the amount of such motive power stated in figures of horse power in accordance with the rating established by the Association of Licensed Automobile Manufacturers; and

(b) The name and address of such manufacturer or dealer. On the payment of a registration fee of fifteen (\$15.00) dollars, a certificate of registration in such form as the secretary of state shall prescribe, and two number plates with a number corresponding to the number of such certificate of registration shall be issued to the applicant by the secretary of state. Provided, that such certificate of registration shall state the make of car for which it is issued and the date when the application was received by the secretary of state, and shall be displayed in the manufacturer's or dealer's place of business. The Secretary of State shall issue to such dealer or demonstrator a duplicate set of "Dealer's License Tags" and upon application such additional sets may be issued upon the payment to the Secretary of State of the sum of fifty cents, such tags to be displayed on the front and rear of such motor vehicle, and under no circumstances shall a motor vehicle be operated without displaying proper registration tags.

§ 2. Section 2976e of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976e. TAGS DELIVERED ON PAYMENT OF LICENSE FEE.] Upon the filing of such application and the payment of the fee provided in section 2976g, the secretary of state shall assign to such motor vehicle a distinctive number, and without other fee, issue and

deliver to the owner a set of two (2) tags of registration, upon each of which shall be displayed the distinctive number assigned in the form and size provided in section 2976j, which shall be evidence of payment of license fee of such registration. One of such tags shall be displayed upon the front and one upon the rear of such motor vehicle.

In the event of the loss, mutilation or destruction of a certificate of registration, the owner of a registered motor vehicle may obtain a set of duplicates from the secretary of state, upon filing an affidavit showing the fact, together with the payment of a fee of one dollar.

§ 3.] Section 2976g of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976g. LICENSE FEE.] The license fee for the registration or re-registration of motor vehicles shall not be less than six (\$6.00) dollars, and for motor vehicles having a higher rating than twenty (20) horse power, an additional fee of fifty (50) cents for each additional horse power shall be added, provided, that if a motor vehicle shall have been licensed for three separate years hereunder, and for which there shall have been paid the annual registration fee herein provided during said period, or not less than three years including the time before and after the taking effect of this Act, the annual registration fee thereafter shall be one-half that amount; and provided further, that the annual fee for the registration or re-registration of a motor bicycle or motor cycle in accordance with the provisions of this Act shall be three (\$3.00) dollars.

The registration fees imposed by this Act upon motor vehicles, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject, except, that dealers' license fees shall not be in lieu of other taxes.

§ 4.] That section 2976h of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976h. REGISTRATION TAG TO BE DISPLAYED ON VEHICLES IN USE.] No person shall operate or drive a motor vehicle on the public highways or within the limits of any city, town or village of this state, unless such vehicle shall have been registered in accordance with this article, and shall have the tags of registration assigned to it by the Secretary of State, conspicuously displayed, one on the front and one on the rear of such motor vehicle, securely fastened.

No person shall display on such vehicle at the same time any number assigned to it under any other motor vehicle law or ordinance.

The Secretary of State is hereby authorized to employ such agent or agents as may be necessary to enforce the provisions of this act.

§ 5. Section 2976n of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

DISPOSITION OF LICENSE MONEY. "The Secretary of State

shall pay into the state treasury all moneys received by him under this act, which have been paid by owners of motor vehicles in any county, and shall file with the state treasurer and the state auditor verified statements of the amounts and sources thereof and the amount to which each county is entitled under the provisions of this act. On the 15th day of every calendar month the State Treasurer shall pay into the county treasury of each county, to the account of a special road maintenance fund as hereinafter provided, one-third of the moneys received by him from the Secretary of State under the provisions of this act, and shall credit the remaining two-thirds to the account of the state highway fund. Provided, however, that the State Treasurer shall first deduct from all the moneys received by him from the Secretary of State the cost of tags, clerk hire, printing, postage, express and other expenses, as estimated by the said Secretary of State."

§ 6.] The state highway fund provided for by this act shall be expended under the direction of the state highway commission.

§ 7.] That section 2976o of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976o. CLAIMS FOR MONEYS EXPENDED ON HIGHWAYS.] All claims for money expended on county highways under the provisions of this article shall be paid by the county treasurer upon presentation of properly prepared vouchers approved by the county superintendent of highways, if there be one, and the board of county commissioners.

All claims for moneys expended by the state highway commission under the provisions of this article shall be paid by the state treasurer upon the presentation of properly prepared vouchers approved by the secretary of the state highway commission.

§ 8.] That Section 2976p of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976p. LICENSE MONEY TO BE EXPENDED FOR REPAIRS AND MAINTENANCE OF HIGHWAYS.] The money received by each county from this source shall be expended only for the repair and dragging of highways within the county, under the direction of the board of county commissioners; provided, that upon the application of any township which levies 50 cents on each \$100.00 valuation based on last prior valuation or more for road purposes, the county commissioners shall credit such township with a sum of money not to exceed five (\$5.00) dollars per mile, to be used in dragging the roads of said township, provided there are sufficient funds available for this purpose; otherwise the money shall be pro-rated between the townships making application therefor. No township shall receive more than fifty (\$50.00) dollars under the provisions of this section, in any one year. Provided, further, that none of this money shall be expended within the limits of any incorporated city or village.

§ 9. Section 3 of this act shall take effect and be in force from and after January 1, 1918.

REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

EMERGENCY.] Whereas it is highly necessary and expedient that this law shall go into immediate operation, owing to the fact that nearly all owners of motor vehicles apply for registration prior to July first, and owing to the further circumstances that if this Act does not go into effect before July first there will not be sufficient money available in the state treasury to enable the state to comply with the requirements of the Federal law providing for Federal aid for the construction and maintenance of roads, therefore, an emergency exists and this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall go into effect and be in force from and after its passage and approval.

Approved March 12, 1917.

CHAPTER 157.

[S. B. No. 44—Ployhar.]

PENALTY FOR LARCENY OF AUTOMOBILES AND MOTORCYCLES.

An Act Providing a Penalty for Larceny of Automobiles and Motorcycles.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any person convicted of larceny of an automobile or motorcycle shall be guilty of a felony and shall be punished by imprisonment in the penitentiary for not less than one year nor more than seven years. The fact that such automobile or motorcycle was taken or removed without the owners' consent, express or implied, or without the consent of the person lawfully in the possession of such automobile or motorcycle shall be presumptive evidence of intent to deprive the owner thereof.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved January 25, 1917.

NORTH DAKOTA NATIONAL GUARD

CHAPTER 158.

[H B. No. 311—Wright.]

ADJUTANT GENERAL.

An Act to Amend and Re-enact Section 2360 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Adjutant General.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2360 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2360. THE ADJUTANT GENERAL.] The adjutant general shall be in control of the military department of the state. He will perform such duties as pertain to the adjutant general and the other chiefs of staff departments, under the regulations and customs of the United States army. He will superintend the preparation of all returns and reports required by the United States from the state and will perform all the duties prescribed for him in this military code. He shall receive the sum of nine hundred dollars per annum for the purpose of defraying his personal expenses in the discharge of his duties pertaining to his office and for other necessary expenses, to be paid quarterly without the filing of any itemized statement.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December in each year to the Governor, including a detailed statement of all the expenditures for military purposes during that year.

2. He shall, at the expense of the state, when necessary, cause the military law, the general regulations of the state, and articles of war of the United States to be printed, indexed and bound in proper and compact form and distributed to the commissioned officers of this state at the rate of one copy to each, and to each commissioned officer and headquarters he shall issue one copy of the necessary text books and of such annual reports concerning the militia as the governor may direct.

3. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall be and remain the property of the state.

4. The seal now used in the office of the adjutant general shall be the seal of his office, and shall be delivered by him to his successor.

5. The adjutant general may have the necessary clerks and employes and as many laborers as may be required from time to time.

6. In order that the national guard of the state may receive the benefit of the funds provided by congress, it shall be the duty of the adjutant general of the state to submit a plan of proposed field or camp service of instruction prepared by the commanding officer of the national guard for the ensuing year, with an estimate of funds required for payment, subsistence and transportation of the portion of the national guard participating therein, said estimate to furnish the details and to be made out in the form required by instructions from the secretary of war.

7. He shall make such regulations relating to the preparation of reports and returns and to the care and preservation of property for military purposes, whether belonging to the state or the United States, as in his opinion the conditions demand, such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instructions.

8. The adjutant general shall, in addition to other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States in establishing their claims, without fee or commissions.

9. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall under the direction of the governor, be disposed of by the adjutant general at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall from time to time, render to the governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the governor may direct. He shall be responsible for all the arms, ordnance, accoutrements, equipments and other military property which may be issued to the state by the secretary of war in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the secretary of war. He shall, upon the order of the governor, turn into the ordnance department of the United States army the rifles, carbines, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States, and now in the possession of the state, which may be replaced from time to time by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under

instructions from the secretary of war, to the designated arsenal or depot at the expense of the United States, and when the national guard of the state shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accoutrement of the United States army, he shall cause all the remaining arms, equipment, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

10. He shall issue and cause to be issued all military property and make purchase for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the governor. Purchases of property not exceeding one hundred dollars in value shall be made in such manner as the adjutant general shall direct. If such purchase requires an expenditure exceeding one hundred dollars and not exceeding five hundred dollars, he shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding five hundred dollars, he shall publicly advertise, for not less than ten days, for sealed proposals for the furnishing of such property. Such proposals shall be publicly opened by the adjutant general at the place, day and hour designated in such advertisement. The adjutant general shall, if the governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant general. The adjutant general is authorized and directed whenever, in his opinion it shall be to the interest of the state to require a party who shall agree or contract to furnish such property to give bond to the people of this state, in such sum and with such surety as he shall direct conditioned for the faithful performance of such agreement or contract. In case default be made, such bond shall be prosecuted by the attorney general and all moneys recovered shall be applied by the adjutant general to the benefit of the national guard. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for that purpose by the commanding officer of the national guard and no payment shall be made therefore until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace, or imminent danger, or other exigency, the governor may, upon the certificate of the commanding officer of the national guard, temporarily suspend the operation of this paragraph and direct the adjutant general to purchase such military property as may be required in open market. He shall report such action, with the reason therefor, and a statement of the property purchased and the prices paid therefor, to the legislature at its next session.

11. He shall render annually to the governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued.

12. He shall keep in his office a list of the retired officers of the organized militia, showing their age, military experience and training. He shall annually request the commandant of cadets of the agricultural college and state university to furnish him with the names of two graduates qualified to act as officers, and shall request from any other state educational institution that maintains an efficient military department, the name of one graduate similarly qualified. The names of the persons so reported to him, together with any others designated by the war department of the United States, shall be added to the list of persons eligible for appointment as officers. In case of a call upon the governor of North Dakota by the president of the United States for volunteers, all regiments organized, in addition to the then organized militia of North Dakota, shall be officered above the rank of second lieutenant by officers selected and commissioned by the governor by and with the advice of the adjutant general, from the persons whose names are listed in the adjutant general's office under this section, or from the officers and non-commissioned officers of the organized militia; provided, that no person shall be commissioned colonel of a volunteer regiment who has not served at least two years as a field officer in either the organized militia or volunteers or as a captain or field officer in the regular army of the United States, and that no person shall be commissioned major in a volunteer regiment who has not served at least two years as either captain or first lieutenant in either the organized militia, volunteers, or regular army of the United States.

13. The adjutant general shall in addition to the foregoing duties on July 1st of each year furnish the governor and each field officer and commander of each company or other separate unit of the North Dakota National Guard or organized militia an itemized statement showing the receipts and expenditures of his office for the year next preceding said date. Such statement shall also show the total cost of maintaining each company or other separate unit for such period.

Approved March 17, 1917.

CHAPTER 159.

[S. B. No. 325—Allen.]

NATIONAL GUARD—FIXING TERMS OF COMMISSIONED OFFICERS
AND TERMS OF ENLISTED MEN.

An Act Providing for the Organization of the National Guard of North Dakota and Fixing the Terms of Commissioned Officers and Terms of Enlisted Men of the National Guard and Repealing Acts in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ORGANIZATIONS.] The National Guard of the State of North Dakota shall consist of such regiments, corps or other units as the Governor of the State may from time to time authorize to be formed. All such organizations to be organized in accordance with the laws governing the regular army and the regulations issued by the Secretary of War.

§ 2. COMMISSIONED OFFICERS.] All officers now holding commissions, except the Adjutant General, and all staff officers of the pay, inspection, subsistence and medical departments hereinafter appointed shall have had previous military experience, and shall hold their positions until they have reached the age of sixty-four years, unless retired prior to that time by reason of resignation, disability or for cause to be determined by a court martial legally convened for that purpose and pursuant to the judgment of said court martial and that all vacancies among said officers shall be filled by appointment from the officers of the militia of this state.

§ 3. ENLISTED MEN.] The terms of all enlisted men of the National Guard of this State shall be as now fixed by law; provided, however, that the Governor may by regulation, require that the enlistments shall be for such number of years not to exceed six years, as may be necessary to conform with the regulations of the war department. The first three years of such enlistment under regulations being enlistment in active organizations and the last three years in the National Guard reserve. All enlisted men shall have the privilege of continuing in active service during their whole enlistment, and of re-enlisting. The qualifications for enlistment shall be the same as those prescribed by law or regulations by the regular army.

§ 4. REPEAL.] All Acts, or parts of Acts in conflict with the provisions of this Act are hereby repealed.

§ 5. EMERGENCY.] Whereas this act is hereby declared necessary for the immediate preservation of the public peace, health and safety, therefore it shall take effect and be in force from and after its passage and approval.

Approved March 17, 1917.

NUISANCE

CHAPTER 160.

[S. B. No. 200—Rowe.]

PUBLIC NUISANCE.

An Act to Amend and Re-enact Section 7235 of the Compiled Laws of North Dakota for the year 1913, Relating to Public Nuisance; Remedies Against.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 7235 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 7235. REMEDIES AGAINST.] The remedies against a public nuisance are:

1. Indictment.
2. Filing an information.
3. Bringing a criminal action before a Justice of the Peace, who shall have authority to bind the defendant over to the District Court.

4. A civil action; or

5. Abatement.

Approved March 8, 1917.

OIL INSPECTION

CHAPTER 161.

[H. B. No. 42—Quam.]

FOOD COMMISSIONER EX-OFFICIO STATE OIL INSPECTOR.

An Act to Amend and Re-enact Section 1 of Chapter 188 of the Session Laws of North Dakota for the year 1915, Making the State Food Commissioner Ex-Officio State Inspector of Oils, and Providing for the Appointment of Deputies and their Salaries.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

That Section 1 of Chapter 188 of the Laws of North Dakota for 1915 be and the same is hereby amended and re-enacted to read as follows:

§ 1. AMENDMENT.] The food commissioner stationed at the Agricultural College at Fargo shall be and is hereby made ex-officio state inspector of oils, and shall perform all the duties thereof, as

now prescribed by law, without further or additional compensation. The said commissioner shall appoint a deputy state inspector of oils, and shall appoint a deputy inspector for each of the points designated as ports of entry, as hereinafter provided.

Said commissioner and his deputies shall have the right, and it shall be their duty, to enter into or upon the premises of any manufacturer, dealer or vendor of refined petroleum oils or gasoline at any time, for the inspection of such oils or gasoline, or other petroleum products; and to inspect any books or papers of such manufacturers, dealers or transportation companies, pertaining to the shipment or sale of such oils or gasolines, and all receptacles in which such oils or gasolines are or may be contained. The said deputy state inspector of oils shall receive an annual salary of two thousand dollars payable monthly, and all other deputies shall receive salaries payable monthly unless otherwise ordered by said commissioners, as follows:

At ports of entry where the total number of barrels inspected is in excess of 8,000 per annum, the salary shall be fifty dollars per month.

At ports of entry where the total number of barrels inspected is in excess of 15,000 per annum the salary shall be seventy-five dollars per month.

At all ports of entry where the total number of barrels inspected is in excess of 25,000 per annum, the salary of deputy oil inspectors shall be one hundred dollars per month; provided, that the salaries of the deputy oil inspectors at the designated points of entry shall be based upon the last annual report of the state oil inspector as to the number of barrels of oil inspected.

All other deputies shall receive such salary, of not less than ten dollars nor more than thirty dollars, per month, as in the judgment of the food commissioner is deemed just compensation for services performed.

The commissioner as state inspector of oils ex-officio, shall make and file with the state auditor on or before the fifth day of each month, a monthly statement under oath, of all inspections made by himself and his deputies under the provisions of this article.

§ 2. REPEAL.] All acts and parts of acts in conflict with the provisions of this act, are hereby repealed.

§ 3. EMERGENCY.] Whereas an emergency exists, in that provision is not made for the food commissioner to act as state inspector of oils ex-officio, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1917.

CHAPTER 162.

[S. B. No. 37—Kretschmar.]

OIL INSPECTION FEES.

An Act to Amend and Re-enact Section 13 of Chapter 188 of the Session Laws of North Dakota for the year 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 13 of Chapter 188 of the Session Laws of North Dakota for the year 1915 be and the same is hereby amended to read as follows:

§ 13. INSPECTION FEES.] Each and every Inspector and Deputy Inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this Article, shall charge the consignor or consignee of such goods the sum of three (3) cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Every such Inspector or Deputy Inspector, shall keep an accurate record of all such goods inspected, rejected, branded or certified to by him, which record shall state the date of such inspection, the number of packages, barrels, casks, or tanks approved, the number rejected, the name of the person for whom inspected, the name of the person to whom consigned, with his address, the sum of money charged for such inspection, and such records shall be open to all persons interested. The State Inspector of Oils shall, in the month of January, in each year, make and deliver to the Governor a report of his acts, and those of his deputies, during the year preceding, together with remarks and suggestions for the benefit of the service, which shall include a copy and summary of the report submitted by said deputies as provided for in this section.

Approved February 14, 1917.

PEDDLERS

CHAPTER 163.

[H. B. No. 248—Weld of Wells.]

TRANSIENT MERCHANTS AND PEDDLERS.

An Act to Amend Section 3036 of the Compiled Laws of North Dakota for 1913, Relating to Transient Merchants and Peddlers.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 3036 of the Compiled Laws of North Dakota for 1913, is hereby amended to read as follows:

§ 3036. TRANSIENT MERCHANT DEFINED. FEE.] A transient merchant within the meaning of this Act is defined as one who engages in the vending or sale of merchandise at any place temporarily, and who does not intend to become and does not become a permanent merchant of such place, provided that the word merchandise as used herein shall not be construed to mean any agricultural product. No person shall engage in or follow the business or occupation of a transient merchant as hereinbefore defined at any place in this state, without first obtaining a license authorizing him to do so. Any person desiring a license as a transient merchant shall before receiving the same pay into the state treasury the sum of seventy-five dollars and he shall in addition to such amount, after receiving such license, also pay to the treasurer of any city or village where he may be conducting his business, a sum not to exceed twenty-five dollars per day for each day that he may be engaged in carrying on his business, such amount to be determined by ordinance or resolution of such city or village; provided, further, that if complaint be made to the mayor of any city or president of any village that any person doing business therein is a transient merchant, and that such person may claim to be a permanent merchant, he may be required as a condition of transacting business in any such city or village, without the payment of a license fee to such city or village, to give bond to such city or village, or secure the payment of the state and local license, in the event that he fails to become a permanent merchant, under the terms of this Act, in a penal sum not to exceed five hundred dollars to be determined by resolution or ordinance of such city or village, with sureties to be approved by the auditor or clerk of the municipality and which bond shall be enforced in case of breach thereof by the proper local officers of the city or village and upon its collection the amount of state license shall be paid to the state treasurer and the remainder shall be paid into the treasury of the city or village and become a part of the license fund. The application for a license as a transient merchant shall be made in writing to the secretary of state upon the blank to be furnished by him, and upon the filing of such application with the secretary of state, and the presentation to him of a receipt from the state treasurer showing the payment of the license fee hereinbefore provided for, the secretary of state shall issue such applicant a license for the period of one year from the date of its issue and no longer.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved March 10, 1917.

PENAL INSTITUTIONS

CHAPTER 164.

[H. B. No. 109—Harris.]

COMPENSATION INMATES STATE REFORM SCHOOL.

An Act Relating to the Compensation of Inmates of the State Reform School for Work Performed by Them and Providing for the Disposition of Moneys Earned.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. In order that some inducement may be offered to the boys and girls committed to the State Reform School at Mandan to render faithful service, to inculcate the principles of thrift and good citizenship, to place additional restraints on their leaving the institution unlawfully, and to provide sufficient means to take care of their immediate wants, the inmates of the State Reform School, while engaged in carrying on the work of the institution and the industries therein, shall, providing sufficient funds for that purpose are obtained from the sale of articles manufactured in the institution and of products raised on the farm thereof, receive not less than five cents nor more than fifteen cents per day for work actually performed, the amount to be determined by the State Board of Control.

§ 2. DISPOSITION OF MONEYS EARNED.] The Superintendent of the State Reform School shall keep an Inmates' Account Ledger, in which shall be opened an account with each inmate. The earnings of each inmate shall be distributed as follows:

Ten per cent of such earnings shall be credited to the personal account of the inmate, to be expended for the purpose desired by him, subject to the consent and approval of the superintendent. The remaining ninety per cent of such inmate's earnings shall be credited to his account and shall be paid to the inmate in full upon his discharge.

§ 3. FORFEITURE OF EARNINGS FOR ESCAPE OR VIOLATION OF PAROLE.] In case any inmate shall escape or violate his parole, the money credited to such inmate's account which remains unexpended at the time of his escape or violation of parole may be used to pay the expense of apprehension, capture and return of such inmate; and in case there remains money to the credit of such inmate after deducting the said expenses, such money shall revert back to the fund from which it was originally drawn, immediately.

§ 4. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 12, 1917.

CHAPTER 165.

[S. B. No. 273—Joint Committee on State Affairs.]

DIMINUTION OF SENTENCE.

An Act to Amend and Re-enact Section 11215 of the Compiled Laws of North Dakota for the year 1913, Relating to the Diminution of sentence for good conduct, of persons sentenced.

Be it Enacted by the Legislative Assembly of the State of North Dakota.

§ 1. AMENDMENT.] That Section 11215 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11215. DIMINUTION REGULATED. POWERS OF THE BOARD OF CONTROL.] Every person committed to the state penitentiary under sentence other than for life, who shall have no infraction of the rules and regulations of the prison or laws of the state recorded against him, shall be entitled to a deduction from the term of the sentence for each year, or pro rata for any part of a year, when the sentence is for more or less than one year as follows: From and including the first year up to the third year, a deduction of two months for each year; from and including the third year, up to the fifth year, a deduction of seventy-five days for each year; from and including the fifth year and up to the seventh year, a deduction of three months for each year; from and including the seventh year up to the eleventh year, a deduction of one hundred and five days for each year; from and including the eleventh year up to the period fixed for the expiration of the sentence, a deduction of four months for each year; and it shall be the duty of the warden to discharge any such person from the penitentiary when he shall have served the term of his sentence less the time he may be entitled to have deducted therefrom for good behavior as hereinbefore provided; and in the same manner as if no deduction had been made; provided, that if any person committed to the penitentiary shall be guilty of the violation of any of the rules and regulations thereof, or of the laws of the state, the Board of Control or warden may and are hereby empowered at their discretion to deprive such person of a portion or all, according to the flagrancy of his infraction of the rules and regulations, of the diminution of the term of his sentence.

Provided, that the provisions of this section shall also apply to persons sentenced to the penitentiary whose sentence has been suspended or who have been paroled.

Approved March 8, 1917.

CHAPTER 166.

[S. B. No. 274—Joint Committee on State Affairs.]

DISPOSITION OF PERSONAL PROPERTY OF PERSONS WHO HAVE
BEEN CONFINED IN STATE PENITENTIARY.

An Act to Amend and Re-enact Section 11303 of the Compiled Laws of the State of North Dakota for the year 1913 Relating to the Disposition of Personal Property and Money Belonging to Deceased Persons who have been Confined in the State Penitentiary.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11303 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 11303. EFFECTS OF DECEASED. SALE. MONEY RECEIVED.] It shall be the duty of the warden or superintendent within ten days after the decease of any person confined in the State Penitentiary or reform school to report in writing to the State Treasurer the money and effects in his hands belonging to the deceased, and with said report to transmit to the State Treasurer any such money. The State Treasurer shall receive such report and money and execute and give to the warden or superintendent a receipt therefor. The State Treasurer may require the warden or superintendent to sell the effects of the deceased in his hands and direct the manner of said sale, or, in his discretion that the warden or superintendent deliver said effects to the legal representatives of the deceased, and it shall be the duty of such officer to carry out the requirements and directions of the State Treasurer in that regard. If said effects are sold, all moneys received therefor shall be delivered to the State Treasurer as herein provided for the money of the deceased. The State Treasurer shall place all money received on account of any such deceased person to the credit of the general benefit fund of the penitentiary or reform school, as the case may be. If said money is claimed within six years by the dependent relatives of the deceased the State Treasurer must pay it to them after deducting the expenses of the inquest upon, and the burial of the body of the deceased.

Approved March 8, 1917.

CHAPTER 167.

[S. B. No. 275—Joint Committee on State Affairs.]

PENITENTIARY—DISCHARGE, CLOTHING AND EMPLOYMENT OF PRISONERS.

An Act to Amend and Re-enact Section 11226 of the Compiled Laws of North Dakota for the year 1913, Relating to the Discharge, Clothing and Employment of Prisoners released from the Penitentiary.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 11226 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 11226. DISCHARGE OF INMATES. CLOTHING. EMPLOYMENT.] Every person committed to the penitentiary shall, when discharged, be provided with a decent suit of clothes and a sum of money, not to exceed five dollars, and also transportation to the place where he received sentence. He may be allowed employment at, or in the penitentiary, under the rules and regulations established for the government of the inmates, for such period of time and at such rate of compensation as the warden shall deem proper and equitable; provided, that any person so discharged who has no infraction of the rules recorded against him, may be employed by any lessee of the workshop at the penitentiary for such time and for such wages, and in such manner as may be agreed upon and approved by the warden.

Approved March 9, 1917.

CHAPTER 168.

[H. B. No. 398—Joint Committee on State Affairs.]

PENITENTIARY—DISPOSITION OF MONEYS EARNED BY PRISONERS.

An Act to Amend and Re-enact Section 11265 of the Compiled Laws of North Dakota for the year 1913 as Amended by Section 5 of Chapter 191 of the Session Laws of North Dakota for the year 1915 Relating to the Disposition of Moneys Earned by Prisoners in the State Penitentiary.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 11265 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 5 of Chapter 191 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

§ 11265. DISPOSITION OF MONEYS EARNED.] The warden of the state penitentiary shall keep an inmates account ledger in which shall be opened an account with each inmate, and the earnings of each inmate to whom money is paid, shall be distributed monthly

as herein provided in the temporary aid account, the prisoners' general benefit fund, and the personal account of each prisoner and the dependent relative account of such prisoners as have relatives dependent upon them for support, and the warden shall furthermore keep an accurate account of all moneys deposited from any source whatsoever to the inmate's personal account, and also an account of the inmates general benefit fund, showing in each case all receipts and expenditures. The earnings paid to all prisoners having dependent relatives shall be distributed as follows: There shall be mailed monthly to the dependent relatives of each prisoner, upon request, fifty per cent of his gross earnings and five per cent of each prisoners' gross earnings shall be deposited monthly to the credit of the prisoner's general benefit fund, and five per cent to be placed to the credit of his personal account. The remaining forty per cent of the prisoners gross earnings shall be deposited monthly to the credit of his temporary aid account, until he shall have accumulated the sum of fifty (\$50.00) dollars to his credit, or such portion thereof as he shall have earned at the expiration of his sentence, which sum shall be paid him in full upon his final discharge. All moneys earned by a prisoner having a relative dependent upon him for support, after he has accumulated the sum of fifty (\$50.00) dollars to his credit in the temporary aid account shall be apportioned as follows: There shall be mailed monthly to said dependent relative of each prisoner upon request, seventy-five per cent of the gross earnings of said prisoner, and ten per cent deposited to the credit of the prisoner's general benefit fund and the remaining fifteen per cent placed to the credit of his personal account. The gross earnings paid to all prisoners not having relatives dependent upon them for support, shall be distributed as follows: Five per cent of the moneys earned by each prisoner shall be placed to the credit of the prisoners personal account, and five per cent of the money earned by each prisoner shall be placed to the credit of the prisoner's general benefit fund, and the remainder placed to the credit of the temporary aid account of each prisoner until he shall have accumulated the sum of fifty (\$50.00) dollars, to his credit or such portion thereof as he shall have earned at the expiration of his sentence, which sum shall be paid him in full upon his final discharge. The gross earnings of a prisoner having no relatives dependent upon him for support, after accumulating the aforesaid fifty (\$50.00) dollars, shall be distributed equally, seventy-five per cent to be placed to the credit of his personal account and the other twenty-five per cent to the credit of the prisoners' general benefit fund, which fund provides for the maintaining of the entertainments and amusements carried on for the benefit of all prisoners at the penitentiary. Any prisoner who requires medical, surgical or dental treatment, not provided by the state, may use the money to his credit in any fund to defray the expense of such treatment. This money to the credit of any prisoner who escapes or violates parole, shall be used to pay for

the expense of apprehension and capture, and if said escaped prisoner or parole violator is not apprehended and captured within the time of one year from the date of his escape, the money to the credit of such escaped prisoner or parole violator shall be forfeited and turned into the credit of the prisoners' general benefit fund. Provided, however, that in case such escaped prisoner or parole violator is apprehended and captured at any time after the expiration of one year, the money to the credit of such escaped prisoner or parole violator which has been transferred to the prisoners' general benefit fund shall revert from the prisoners' general benefit fund, in so far as necessary in paying for the expense incurred in apprehending and capturing said escaped prisoner or parole violator.

Approved March 10, 1917.

CHAPTER 169.

[H. B. No. 396—Joint Committee on State Affairs.]

PENITENTIARY—DISPOSITION OF MONEY EARNED BY PRISONERS LEFT BY SUCH PRISONERS AND UNCALLED FOR.

An Act Providing for the Disposition of Moneys Earned by Prisoners in the Penitentiary Which Have Been Left by Such Prisoners and Uncalled For.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any moneys earned by persons who have been confined in the State Penitentiary under the Provisions of Section 11265 of the Compiled Laws of North Dakota for the year 1913, which moneys have been left uncalled for, and for the disposition of which the law makes no specific provision, shall be placed in the General Benefit Fund of the Penitentiary.

Approved March 10, 1917.

CHAPTER 170.

[S. B. No. 317—Joint Sub-Committee on State Affairs.]

PENITENTIARY—"GOOD TIME" ALLOWED PRISONERS.

An Act to Amend and Re-enact Section 11267 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Section 7 of Chapter 191 of the Session Laws of 1915, Relating to extra "Good Time" allowed Prisoners confined in the Penitentiary.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11267 of the Compiled Laws of North Dakota for the year 1913, as amended by Section 7 of Chapter 191 of the Session Laws of 1915, is hereby amended to read as follows:

§ 11267, EXTRA "GOOD TIME."] Upon recommendation of

the warden, the board of control may allow extra good time to prisoners in addition to the good time now granted by law. Provided, however, such extra good time shall not be computed upon the term of the sentence, but upon the time of their imprisonment. In computing such extra good time, it shall in no case more than equal the good time now provided by law, and in allowing such extra good time, it is herein specifically provided that it must be earned by good conduct and diligent work. Provided, further, however, that for every thirty hours of work necessary for the management and conduct of the institution, performed by any prisoner on Sundays or holidays during the term of his imprisonment, such prisoner shall be allowed one day as extra "good time" in addition to all other "good time" allowed by law for good conduct and diligent work.

Approved March 8, 1917.

CHAPTER 171.

[H. B. No. 397—Joint Committee on State Affairs.]

PENITENTIARY—PAROLE.

An Act to Amend and Re-enact Section 11230 of the Compiled Laws of North Dakota for the year 1913 as Amended by Section 1 of Chapter 189 of the Session Laws of North Dakota for the year 1915, Relating to the Parole of persons confined in the Penitentiary.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 11230 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 1 of Chapter 189 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

§ 11230. WHAT INMATES MAY NOT BE PAROLED.] The following described persons shall not under any circumstances be paroled from the penitentiary:

1. A person convicted and sentenced for the crime of murder in the first degree.

2. A person finally convicted, in any jurisdiction, of a felony other than that for which he is being punished.

3. A person who has not maintained a good record at the penitentiary for at least six months previous to his parole.

Approved March 10, 1917.

CHAPTER 172.

[S. B. No. 6—Ellingson.]

RELIEF FOR WRONGFUL IMPRISONMENT.

An Act Relating to Compensation for Wrongful Imprisonment of Innocent Persons.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. BOARD, HOW CONSTITUTED.] The governor and members of the state board of control are hereby constituted a board to be known as the board for the relief of persons who have served terms of imprisonment at the state penitentiary at Bismarck, or at the reform school at Mandan upon conviction for an offense or crime against the state of which they are innocent. The secretary of the state board of control shall be the secretary of the board hereby created.

§ 2. PETITION.] Any person who hereafter shall have served a term of imprisonment under conviction for a crime or offense against the state, of which crime or offense he claims to be innocent, or any person who shall have been pardoned by the Board of Pardons on the ground of innocence and whose term of imprisonment shall thereby have been decreased, may petition the board constituted in this act for the allowance from the state of compensation for such wrongful imprisonment. Upon presentation of such petition, the board shall fix the time and place for the hearing of the petition, and shall mail notice thereof to the claimant and to the attorney general of this State at least twenty days prior to the time fixed for such hearing.

§ 3. BOARD TO HEAR EVIDENCE.] Such board shall hold a hearing on such petition and shall cause evidence of the character hereinafter mentioned to be produced before it. After hearing the evidence, the board shall make a finding that it is clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he suffered imprisonment, or that it is not clear beyond a reasonable doubt that the petitioner was innocent of the crime or offense for which he was imprisoned. Upon the hearing before the board, the record of the trial in which the conviction may be presented to the board for the purpose of enabling the board to understand the situation, but the finding of the board shall be based only on such evidence or circumstances as have been discovered or have arisen since the trial and conviction of the petitioner of the crime or offense for which he claims to have suffered wrongful imprisonment.

§ 4. COMPENSATION.] If the board shall find that the petitioner was innocent of the crime or offense for which he suffered imprisonment, and that he did not by his act or failure to act contribute to bring about the conviction and imprisonment for which he seeks compensation, the board shall proceed to find the

amount which will compensate the petitioner for his wrongful imprisonment. Such board may award a compensation to the prisoner so found innocent of not to exceed two thousand dollars in any case, and at a rate of compensation not greater, than fifteen hundred dollars per year for the imprisonment unjustly suffered. If the board shall find that the amount they may be able to award will not be an adequate compensation to the petitioner, they shall report an amount to the legislature which they shall deem to be adequate and shall recommend the appropriation by the legislature to the petitioner of the amount in excess of the amount that they may have awarded.

§ 5. RECORD OF FINDINGS, APPEAL.] The board shall keep a full and complete record of its proceedings in each case and of all the evidence produced before them. The findings and awards of the board shall be subject to review on appeal by the district court for Burleigh County, but the appeal shall be subject to the same limitations as apply to findings and awards made by the board.

§ 6. The award shall be certified by the board to the State Auditor, and the warrant shall be paid out of the State Treasury.

Approved February 12, 1917.

CHAPTER 173.

[H. B. No. 127—Bowman.]

STATE TRANSPORTATION OFFICER.

An Act Providing for a State Transportation Officer, relating to the transportation of Prisoners and Patients to Institutions under the Jurisdiction of the State Board of Control and to Repeal Chapter 245 of the Session Laws of North Dakota for the year 1915.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Board of Control of State Institutions shall appoint a competent person who shall be known as the State Transportation Officer and whose duty it shall be to transport and convey to the Penitentiary and to the Reform School persons sentenced and committed to these institutions, and to transport to the Asylum for the Insane persons who have been adjudged insane by the insanity board of any county. Such transportation officer shall at all times be under the direction of the State Board of Control and may be removed from his office by said Board at any time for incompetency or for failure to properly perform the duties of his office. He shall receive as compensation for his services the sum of eighteen hundred dollars (\$1,800.00) per annum together with actual and necessary expenses incurred in the discharge of his duties.

§ 2. Whenever any person has been adjudged insane by the

insanity board of any county in this state, it shall be the duty of the chairman of such board to immediately notify the State Board of Control. Upon receiving such notice the Board of Control shall notify the state transportation officer to convey such insane person to the Hospital for the Insane. And whenever it shall be necessary to transport an insane patient from this state to another state, such patient shall be taken to such other state by the state transportation officer, or some other person duly authorized by the State Board of Control. When an escaped inmate from the hospital for the insane is apprehended the State Board of Control shall be notified and such inmate shall be returned to the Hospital in charge of the transportation officer.

§ 3. Whenever any person has been convicted and sentenced to the Penitentiary or to the Reform School it shall be the duty of the sheriff of the county in which such conviction is had to notify the State Board of Control. The State Board of Control shall immediately send the transportation officer to such county to convey such prisoner to the Penitentiary or Reform School as the case may be.

§ 4. In cases of Emergency the state transportation officer may employ an additional guard or guards to assist him. Such guard shall receive as compensation for his services the sum of two dollars and fifty cents (\$2.50) per day and his actual and necessary expenses. And, if at any time there are more persons to be transported than it is possible for the state transportation officer to promptly attend to, the Warden of the Penitentiary and the Superintendent of any other institution shall at the request of the Board of Control send one of the regular employees of such institution to transport such person or persons thereto; provided, that whenever a female is committed to any of such institutions one of the women regularly employed in the institution to which such female is committed shall transport, or assist in transporting such female to that institution. In case a woman, employed in such institution, is not available the Board of Control shall appoint a suitable woman to perform this work who shall receive as compensation for her services the sum of two dollars and fifty cents (\$2.50) per day and necessary expenses. Whenever an employee of an institution is required to transport or assist in the transportation of persons, as provided herein the state shall pay the actual and necessary expenses of such employee. All expenses incurred for the transportation of persons committed to any institution under the supervision of the Board of Control shall be paid out of the moneys appropriated for the purpose of providing for such transportation, but no claim shall be paid until approved by the Board of Control and the said Board shall not approve any such claim unless such transportation has been authorized by the Board of Control.

§ 5. That chapter 245 of the Session Laws of North Dakota for the year 1915 is hereby repealed.

Approved March 10, 1917.

PUBLIC OFFICERS

CHAPTER 174.

[H. B. No. 312—Larson.]

LOCAL OFFICERS' BONDS.

An Act to Amend and Re-enact Section 669 of the Compiled Laws of North Dakota for 1913, Relating to Local Officers' Bonds.

Be it Enacted by the Legislative Assembly of the State of North Dakota.

§ 1. That Section 669 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted so as to read as follows:

§ 669. FIDELITY BONDS.] Whenever any county, township, city, village or school district officer, hereafter elected, shall be required by law to give or furnish a bond for the faithful performance of his duties, such bond may be executed by some responsible persons acting as sureties, surety companies, fidelity insurance or bonding company, authorized and qualified to do business within the state of North Dakota, and approved by the Board of Commissioners, trustees, supervisors, council or directors charged with the approval of the same; the premium for such bond shall be audited by such board and paid out of the general fund of the county, township, city or school district, as the case may be, for whose benefit the same is given. This section shall not affect the provision of Section 664 relating to county treasurers, nor the furnishing of a personal bond by any officer as may be provided for by any existing law; provided, however, that in case Chapter 62 of the Session Laws of North Dakota for the year 1915 shall become effective the provisions of this Act shall not be construed to conflict with the provisions thereof or as repealing said Chapter 62 of the Session Laws of 1915.

Approved March 12, 1917.

CHAPTER 175.

[H. B. No. 18—Sinclair.]

PAYMENT OF PREMIUMS ON ELECTIVE STATE OFFICIALS' BONDS.

An Act to Provide for the Payment of Premiums on Elective State Officials' Bonds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any elective state official who is required by law to execute an official bond may furnish surety bond having as sureties thereon one or more Bond or Surety Companies, authorized to trans-

act such business within this state and the premiums for such bond or bonds shall be audited and paid out of the general fund of the state. This act shall in no way apply to Chapter 62 of the Session Laws of North Dakota for the year 1915 or to any officials therein named who are required to be bonded thereby.

Approved February 20, 1917.

CHAPTER 176.

[S. B. No. 72—Jacobsen.]

TAKING OF TESTIMONY IN CASES OF REMOVAL OF OFFICERS BY GOVERNOR.

An Act to Amend and Re-enact Section 689 of the Compiled Laws of North Dakota for 1913, Relating to Notice of Charges and Taking Testimony in Cases of Removal of Officers by the Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 689 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted so as to read as follows:

§ 689. Upon the filing of any such complaint, or charges the governor shall, within ten days cause a copy thereof to be made and served upon the accused, together with a notice of the time and place of taking testimony and the name of the special commissioner before whom such testimony will be taken, and the date fixed for the taking of such testimony shall not be less than fifteen nor more than twenty days from the service of the copy of charges against the accused.

Approved February 14, 1917.

PARKS

CHAPTER 177.

[H. B. No. 101—Liederback.]

KILLDEER MOUNTAIN PARK COMMISSION.

An Act Creating a Commission, Herein Designated as the Killdeer Mountain Park Commission; Describing the Duties of the Commission and Making an Appropriation Therefor.

PREAMBLE. Whereas, the Killdeer Mountains are one of the scenic splendors of the West, and

Whereas, the Killdeer Mountains are of National historic

value, owing to the fact that one of the greatest Indian battles of the West was fought there, and

Whereas, the great agricultural state of North Dakota is lacking in scenic beauty and splendor, now therefore;

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That as soon as practical after the taking effect of this Act, the Governor shall appoint three residents of the State of North Dakota, who shall constitute a Commission to be known as the Killdeer Mountain Park Commission.

The duties of said Commission shall be to investigate the advisability of purchasing by the National Government and to map and estimate the cost of the region embraced in the Killdeer Mountains in Dunn County, North Dakota, being more minutely described as all of Sections 8, 9, 10, 15, 16, 17, 20, 21, 22, N $\frac{1}{2}$ of Section 27, N $\frac{1}{2}$ of Section 28, and all of Sections 29, 30, 31, and 32, in Township 146, North of Range 96 West of the Fifth Principal Meridian and so make a report thereon to the President of the United States, the Secretary of the Interior, the Commissioner of National Parks and to each of North Dakota's Representatives in the Senate and House of Representatives of the United States Congress.

§ 2. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, or as much thereof as may be necessary to carry out the provisions of this Act, the sum of Five Hundred Dollars (\$500.00).

Approved March 15, 1917.

CHAPTER 178.

[H. B. No. 192—Reishus.]

POWERS OF PARK COMMISSION.

An Act to Amend and Re-enact Section 4059 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 71, Session Laws of 1915, relating to Powers of Park Commission be amended and re-enacted to read as follows:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That Section 4059 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 71, Session Laws of 1915, relating to powers of Park Commission be amended and re-enacted to read as follows:

(1) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits, or within six miles thereof, for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect, and improve the same.

(2) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through or around said parks and

to construct, erect, build, maintain, manage, govern, and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

(3) To pass all ordinances necessary, requisite, and needful for the regulation and government thereof, and to make, change and enforce any ordinance with reference thereto.

(4) To levy special assessments on all property especially benefitted by the purchase, opening, establishment and improvements of such parks, boulevards and ways or streets or ways about the same.

(5) To require the services of the city engineer of the city included in such park-district, who shall be ex-officio engineer, and surveyor of such commission, and to require the services of a clerk, and such clerk shall be paid by such commission for his services as clerk a salary not to exceed twenty-five dollars (\$25.00) per month, to appoint other employees for the performance of manual labor, including such police force as may be deemed necessary.

(6) To issue negotiable bonds of the park district in a sum not to exceed three per cent of the taxable property therein situated, for the aid and exclusive purchasing and acquiring land for such parks, boulevards and ways and for the permanent improvement thereof, including the erection and construction of buildings, pavilions, plays, dams, ponds, pools, artificial lakes, lagoons and pleasure fields, and to drain such grounds and the lands adjacent thereto and to prevent the overflow thereof; provided such bonds shall not bear a rate of interest to exceed six per cent; and provided further, that upon the affirmative vote of the electors of such district, as by law provided, such commission may be authorized to issue such bonds in any amount in the aggregate not to exceed six per cent of the value of the taxable property in such district.

(7) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such board, provided; that such tax so levied shall in no year exceed the sum of three mills on each dollar of taxable property within said district over and above the amount necessary to pay interest and sinking fund on bond; and special assessments lawfully levied against park board property by other departments of government. Provided that in cities a tax not to exceed five mills may be levied.

(8) To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the sub-division and planting of property within four hundred feet thereof.

(9) To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes or obligations of the district.

(10) To connect any park or parks owned or controlled by it

with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose.

(11) To plant, set out, maintain, protect and care for shade trees in any of the public streets or highways of their respective districts, and to specify and regulate the kinds of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the methods to be used in the planting and cultivation thereof, and to pass such ordinances as may be requisite, necessary or needful for the protection and control of such trees.

Approved March 12, 1917.

PERSONAL INJURY

CHAPTER 179.

[S. B. No. 88—Mostad.]

PERSONAL INJURY.

An Act Relating to Settlements of Causes of Action for Damages Sustained Through Personal Injury and Contracts of Retainer made therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every settlement or adjustment of any cause of action and every contract of retainer or employment to prosecute an action for damages on account of any personal injuries received, whether death ensue or not to the person injured, shall be voidable if made while the person so injured is under disability from the effect of the injury so received, or if made within thirty days after the date of such injury.

§ 2. The person so injured, or in case of his death, his personal representative, may elect, at any time within six months after the date of such injury to avoid such settlement, adjustment or contract by a notice in writing to that effect or by bringing an action to recover damages therefor. Whenever such action shall be so commenced, within the period of time so limited, the amount received by the person so injured or his representative in case of his decease, in any settlement or adjustment so made, shall not be a bar to the prosecution of such action, but may be set up as an offset or counter claim to the amount of damages recoverable, if any.

§ 3. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 1, 1917.

POOR PERSONS

CHAPTER 180.

[S. B. No. 133—Welford.]

RELIEF OF POOR PERSONS.

An Act to Amend and Re-enact Section 2514 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the Relief of Poor Persons.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2514 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 2514. WHERE RESIDENCE IS UNCERTAIN.] If any one within the description of the poor persons specified in this Act shall be found in any township and the overseer of the poor of such township shall be unable to ascertain and establish the place of legal residence of such person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for, and the township shall be reimbursed by the county for the expense of providing for such person and it shall be the duty of the board of county commissioners to provide for the payment of all such claims, provided that the township overseer of the poor of the township shall comply with Section 2513 of the Compiled Laws of the State of North Dakota for the year 1913.

Approved March 1, 1917.

PUBLIC WELFARE COMMISSION

CHAPTER 181.

[H. B. No. 69—Weld.]

PUBLIC WELFARE COMMISSION.

An Act Establishing a Public Welfare Commission, Prescribing its Powers and Duties, Fixing the Compensation of the Members thereof, and Providing for Investigation in Regard to the Economic, Moral and Social Conditions of Women and Child Workers, Prescribing Duties of Hotel Inspectors in Relation Thereto, and Making an Appropriation to Carry out the Provisions of this Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. There is hereby created a commission which shall be composed of the Commissioner of Agriculture and Labor, the

Attorney General and a woman to be appointed by the Governor. Such woman shall have had, if possible, experience as a welfare worker among women and girls and shall be at least thirty years of age. The woman so appointed shall be the executive officer and secretary of the commission and shall receive as compensation for her services the sum of twelve hundred dollars (\$1,200) per annum together with actual and necessary expenses while engaged in the work of the Commission. The other members of the Commission shall receive their actual and necessary expenses while engaged in performing the duties imposed by this Act outside the city of Bismarck.

§ 2.] It shall be the duty of the Public Welfare Commission to investigate or cause to be investigated, the economic, moral and social conditions of women, girls and child workers in factories, hotels, restaurants, stores, laundries, and other industrial establishments. The executive officer and secretary of the commission shall have the same police powers as are conferred by law upon officers of the State Humane Society.

§ 3.] It shall be the duty of the State Hotel Inspector when so directed by the Public Welfare Commission to investigate the wages, hours of labor, opportunity for recreation and other social, economic and moral conditions of women and girls employed in hotels and restaurants inspected by him.

§ 4.] It shall be the duty of the Public Welfare Commission to make a report to the Governor and the next Legislative Assembly concerning the social, economic and moral conditions of female and child workers mentioned in Section 2 of this Act, and recommend legislation for the improvement of said conditions. Such report shall also show the average wages received by female and child workers in the places mentioned in Section 2 of this Act.

§ 5. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of four thousand dollars (\$4,000) or so much thereof as may be necessary to carry out the provisions of this act.

§ 6. REPEAL.] All acts and parts of acts in conflict with the provisions herein are hereby repealed.

Approved March 15, 1917.

PERSONAL PROPERTY

CHAPTER 182.

[H. B. No. 16—The Speaker.]

LIEN FOR REPAIRS ON PERSONALTY.

An Act to Amend Section 6877, of the Compiled Laws of North Dakota for 1913, Providing for a Lien for Repairs upon Personalty.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SECTION 6877. LIEN FOR REPAIRS OF PERSONALTY.] Any blacksmith or mechanic having an established place of business within the state who makes, alters, or repairs, any personal property, at the request of the owner or legal possessor of the property, shall have a lien upon the same for his reasonable charges for work done and materials furnished, until the charges are paid, and said lien shall have priority over all other liens, chattel mortgages or incumbrances against said personal property; provided, however, that any person entitled to a lien under this section shall, within thirty days after all materials are furnished or labor performed in altering or repairing such personal property, file in the office of the Register of Deeds of the County, a statement in writing, verified by oath, showing the labor performed, or other materials furnished, the price agreed on for the same, if no price is agreed on then state the reasonable value thereof, the name of the person for whom the work or labor was performed, or to whom materials were furnished, or both, and descriptions of the property upon which lien was claimed; provided, that when the person retains possession of this property so altered or repaired no statement is required to be filed as above provided; provided, that if any person makes, alters or repairs more than one article of the personal property for the same owner or legal possessor thereof, he may include all such articles of personal property so made, altered or repaired, in the same statement and the statement so made shall have the same force and effect to each article enumerated therein as though a separate statement has been filed for each of said articles so made, altered or repaired.

Unless the person entitled to said lien shall file such statement within the time aforesaid, he shall be deemed to have waived his right thereto; provided, further, that the person holding such lien, on property that has been previously encumbered by mortgage, before the foreclosure of same, shall give to the record holder of such mortgage twenty days' notice in writing of his intention to foreclose said lien before beginning action or proceedings for foreclosure of the same, which notice may be served by sending

same in a registered letter addressed to such mortgagee at his last known postoffice address; and provided, further that the holder of any mortgage against property on which lien herein provided for, shall have been filed, may at any time previous to sale, pay off the amount due on such lien, the holder thereof shall assign the same to such person, and thereafter he shall be entitled to all rights that the person filing said lien would have, had the same not been paid.

Approved February 2, 1917.

CHAPTER 183.

[S. B. No. 207—Carey.]

PERSONAL PROPERTY OWNERS.

An Act Requiring the Owners of Personal Property to Notify the County Treasurer of the Sale of such Property at Public Auction, Providing for the Collection of their Personal Property Taxes and Prescribing Dates of Auctioneers in Relation thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every owner of personal property who decides to sell such property at public auction shall notify the county treasurer of the county in which such property is to be sold not less than six days prior to the date fixed for the sale by sending to him either a copy of the auction bill, or a notice of such auction sale. And whenever any person has been engaged as auctioneer to sell personal property at public auction, he shall immediately notify the county treasurer of the county in which such property is to be sold that such auction will be held.

§ 2. Upon receipt of such notice or notices, the county treasurer shall ascertain whether the such owner of personal property has paid the personal property taxes assessed against him and if he finds that such taxes are due and owing he shall immediately notify the sheriff of the county in which the sale is held, the amount of any such personal taxes and it shall be the duty of the sheriff to have such taxes collected before said sale takes place, and forward the same to the county treasurer.

§ 3. Any person violating any of the provisions of this Act shall be subject to a fine of not to exceed Five (\$5.00) Dollars for each offense.

Approved March 10, 1917.

RAILROAD COMMISSIONERS

CHAPTER 184.

[H. B. No. 378—Committee on Appropriations.]

APPROPRIATION—RAILROAD COMMISSION.

An Act Appropriating Money for the use of the Board of Railroad Commissioners, between the following dates, to-wit: February 6th, 1917 and June 30th, 1917, both dates inclusive.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of Fifteen Hundred (\$1,500) Dollars or so much thereof as may be necessary for the use of the State Board of Railroad Commissioners for traveling expenses.

§ 2. The state auditor is hereby authorized to transfer from the furniture and fixture appropriation of the Board of Railroad Commissioners to the supply fund of said Board the sum of One Hundred (\$100) Dollars.

§ 3. EMERGENCY.] Whereas it is necessary for the immediate preservation of the public peace, health and safety that this act shall become effective without delay for the following reasons, to-wit:

That there are no moneys now available for the purpose herein specified, and whereas it is deemed necessary that the Board of Railroad Commissioners have funds wherewith to visit the various parts of the state in the performance of their official duties,

Therefore this act shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 13, 1917.

RAILROADS

CHAPTER 185.

[H. B. No. 106—Hendrickson.]

CONSTRUCTION OF TRANSFER FACILITIES.

An Act to Amend and Re-enact Section 4777 Relating to the Construction of Transfer Facilities, Railroad "Y's" and Connections between Railroads.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 4777 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 4777. CONSTRUCT "Y's."] In all cases where any line of railroad shall parallel or terminate within one-half mile of any common point, cross or intersect any other line of railroad at grade in this state, it shall be the duty of each of the railroad companies owning or operating such parallel or intersecting railroad lines to provide at such parallel or crossing or intersection, suitable and sufficient transfer facilities, such as waiting rooms, and "Y's" or other tracks and connections for transferring cars and traffic of all kinds and classes or cars from one such line of railroad to another, and to maintain the same and afford equal and reasonable facilities for the exchange of cars and traffic between the respective lines. The expense of constructing and maintaining such transfer facilities to be borne equally by each of such railroad companies, or in such proportions as they may agree upon, or as may be determined by the board of railroad commissioners, on joint hearing.

Approved March 10, 1917.

CHAPTER 186.

[S. B. No. 59—Haggart.]

MAKING ANNUAL REPORTS BY RAILROAD CORPORATIONS.

An Act to Amend and Re-enact Section 4630 of the Compiled Laws of North Dakota for 1913, Relating to the Making of Annual Reports by Railroad Corporations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4630 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 4630. ANNUAL REPORTS MUST BE MADE, CONTENTS.] Every railroad corporation shall make an annual report to the stockholders,

of its operations during the year ending on the 31st day of December, which report shall be verified by the affidavit of the Secretary, Treasurer, Superintendent, and the Directors of the Corporation, and shall state:

1. The length of road in operation, the length of single track, the length of double track, the weight of the rail per yard.

2. The capital stock actually subscribed and the amount paid thereon.

3. The whole cost of the road, showing the amount expended for the right of way, bridging, grading, iron and buildings, respectively, and for all other purposes incidental to the construction of such road.

4. The amount and nature of its indebtedness, distinguishing the first, second and third mortgage bonds, and the unsecured indebtedness and the amount due the corporation.

5. The amount received for the transportation of passengers, property and mails, for interest and from other sources, respectively.

6. The amount of freight, specifying the quantity in tons or other usual mode of measurement.

7. The amount paid for the repairs of the road, buildings, engines and cars, respectively for fuel, taxes and interest, specifying the indebtedness on which the same is paid; for wages of employees; the aggregate amount paid for salaries of officers, and for any other purpose incidental to the business of transportation so as to give a complete statement of the entire annual expense of the corporation.

8. The amount of loss to the corporation paid for loss and damage to freight and injury to person and property.

9. The number and amount of dividends and when made and in what manner such dividends have been paid.

10. The amount appropriated to sinking fund and the manner in which the same has been applied and the total amount then held by such sinking fund.

11. The number of persons killed or injured, the causes thereof and whether passengers or persons employed by the corporation.

12. Whether any such accidents have arisen from carelessness or negligence of any person in the employ of the corporation and whether such person is retained in the service of such corporation. The secretary of each railroad corporation shall mail to every stockholder thereof, whose postoffice address is known, a copy of its annual report, and shall file a certified copy thereof with the Commissioners of Railroads on or before the fifteenth day of March in each year.

Approved February 15, 1917.

CHAPTER 187.

[S. B. No. 86—Lindstrom.]

PROTECTION OF PERSONS ACCOMPANYING LIVESTOCK SHIPMENTS.

An Act to Provide for the Accommodation and Protection of the Person or Persons Accompanying Livestock Shipments and Providing Penalty for Failure to Comply with the Provisions of this Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. It shall be the duty of every person, firm, company or corporation operating a railroad within this state, and every assignee, lessee or receiver of such railroad company, to attach to every stock freight train, carrying twenty-five or more cars of livestock, and generally known as a stock freight train, and to keep attached thereto while operating within this state, a good and sufficient sleeping car for the accomodation and protection of the person or persons accompanying such live stock.

§ 2. Any person, firm, corporation, violating the provisions of this act shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars.

Approved March 9, 1917.

CHAPTER 188.

[S. B. No. 77—Nelson of Richland.]

RAILROAD RATES.

An Act Relating to Railroad Rates in this State and to Increase the Powers and Further Define the Duties of the Board of Railroad Commissioners in Relation to the same and to Define, Prevent, and Punish Unjust Discrimination in the Rates Charged for the Transportation of Freight on Railroads in this State, and Prohibiting any Railway Company doing business in this State, from Charging or Receiving any Greater Compensation for the Transportation of a Like Kind or Class and Quantity of Property or Freight of any Description for a Shorter than for a Longer Distance over the Same Line and Empowering and Directing the Board of Railroad Commissioners to make and Promulgate a Schedule of Reasonable Maximum Rate of Charges for the Transportation of Freight and Cars and Vesting said Board of Railroad Commissioners with Power of Classification of Freight and of Rates and Railroads and Prescribing a Mode of Procedure and Rules of Evidence in Relation Thereto and Providing Penalties and Punishments for Violations of the Provisions Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. UNJUST DISCRIMINATION IN RAILROAD FREIGHT RATES PROHIBITED.] If any corporation shall charge, collect or receive

for the transportation of freight of any description upon its railroad for any distance within this state, a greater amount of freight, toll or compensation than is at the same time charged, collected or received for the transportation of like quantity of freight of the same class over a greater distance of the same railway; or if it shall charge, collect or receive at any point upon its road a higher rate of freight, toll or compensation for receiving, handling or delivering freight of the same class and quantity than it shall at the same time charge, collect or receive at any point upon the same line of railway; or if it shall charge, collect or receive for the transportation of any freight of any description over its railway a greater amount as freight, toll or compensation than shall at the same time be charged, collected or received by it for the transportation of a like quantity of freight of the same class being transported over any portion of the same railway of equal distance; or if it shall charge, collect or receive from any person a higher or greater amount of freight, toll or compensation than it shall at the same time charge, collect or receive from any person for receiving, handling or delivering freight, of the same class and like quantity at the same point upon its railway; or if it shall charge, collect, or receive from any person for the transportation of any freight upon its railway a higher or greater rate of freight, toll or compensation, than it shall at the same time charge, collect or receive from any other person or persons for the transportation of the like quantity of freight of the same class being transported from the same point over equal distance of the same railway; or if it shall charge, collect or receive from any person for the use and transportation of any railway car or cars upon its railroad for any distance, a greater amount of freight, toll or compensation that is at the same time charged, collected or received from any other person for the use and transportation of any railway car of the same class or number, for a like purpose, being transported over a greater distance of the same railroad; or if it shall charge, collect or receive from any person for the use and transportation of any railroad car or cars upon its railway a higher or greater compensation in the aggregate than it shall, at the same time, charge, collect or receive from any other person for the use and transportation of any railway car or cars of the same class for a like purpose, being transported from the same original point, over an equal distance of the same railway, such railway corporation shall be deemed guilty of unjust discrimination which is hereby prohibited and declared to be unlawful, and all such are hereby declared to be discriminating, unjust and unreasonable rates, charges, collections and receipts and all such discriminating rates, charges, collections or receipts, whether made directly or by means of any rebate, draw-back or other shift or evasion, shall be received as prima facie evidence of the violation of the provisions of this act, and it shall not be sufficient excuse or justification thereof on the part of said railway corporation that the station or point at which it shall charge, collect or receive less compensation

in the aggregate for the transportation of such freight or for the use and transportation of such railway car the greater distance than for the shorter distance, is a station or point at which there exists competition with another railway or other transportation lines provided, however, where two or more railroads run into a city or village, one having a shorter mileage than the other from a given point, the railroad commissioners may permit the railroad or railroads having a longer mileage to meet the rate made by the shortest line at such city or village.

§ 2. PROVISIONS OF ACT NOT TO EXCLUDE EVIDENCE AND TO APPLY TO ALL RAILWAYS WITHIN THE STATE.] The provisions of this act shall not be construed so as to exclude other evidence than as herein provided, tending to show any unjust discrimination in freight rates and the provisions thereof shall apply to any railway, the branches thereof, and any road or roads which any railway corporation has a right, license or permission to use, operate or control within the state.

§ 3. RATES PER 100 POUNDS, PER TON, PER CAR, ETC., IN LIKE CLASS, TO BE THE SAME IN PROPORTION.] No such railway company shall charge, collect, demand or receive more for transporting a car of freight than it at the same time charges, collects, demands or receives per car for several cars of a like class of freight over the same railway, for the same distance; nor charge, collect, demand or receive more for transporting a ton of freight than it charges, collects, demands or receives per ton for several tons of freight under a carload of a like class over the same railway for the same distance; nor charge, collect, or demand or receive more for transporting a hundred pounds of freight than it charges, collects, demands or receives per hundred for several hundred pounds of freight, under a ton, of a like class, over the same railway, for the same distance; and all such discriminating rates, charges, collections or receipts, whether made directly or by means of any rebate, draw-back, or other shift or evasion shall be received as prima facie evidence of the violation of the provisions of this act.

§ 4. PROVISIONS TO APPLY TO TRANSPORTATION OF PROPERTY WHOLLY WITHIN THE STATE.] The provisions of this act shall apply to the transportation of property wholly within this state and shall apply to all railroad corporations and common carriers engaged in this state in the transportation of property by railroad therein and to the shipment of property made from any point within the state to any other point within the state over or upon any railroad therein. The term railroad and railway, as used in this chapter, shall include all bridges and ferries used or operated in connection with any railroad and also all the roads in use by any corporation, receiver, trustee, or other person operating a railroad owned or operated under contract, agreement, lease or otherwise; and the term, transportation shall include all instrumentalities of shipment or carriages, and the term railway corporation shall mean all corporations, companies or individuals, owning or operating

any railroad in whole or in part in this state; and the provisions of this chapter shall apply to all persons, firms and companies and to all associations of persons, whether incorporated or otherwise that shall do business as common carriers upon any line of railway in this state, street railways excepted, the same as to railroad corporations herein mentioned. Provided, that nothing in this act shall apply to the carriage, storage, or handling of property free or at reduced rates for the United States, for this state, for municipal governments therein, or for charitable purposes or to and from fairs and expositions held under the authority of county or state or municipality therein for exhibition thereat.

§ 5. POWERS OF RAILROAD COMMISSIONERS NOT ABRIDGED.] Nothing in this act contained shall be construed as limiting or abridging the powers now vested by law in the board of railroad commissioners of the state of North Dakota, except that the said board of commissioners shall not have power to promulgate any rule or establish any rate or rates in conflict with or in violation of the provisions of this act, and nothing in this act shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions thereof are in addition to such remedies.

§ 6. COMMISSION EMPOWERED TO MAKE A SCHEDULE OF REASONABLE MAXIMUM RATES FOR EACH RAILROAD.] The board of railroad commissioners of this state is hereby empowered and directed to make for each of the railroad corporations doing business in this state, as soon as practicable, a schedule of reasonable maximum rates of charges for the transportation of freight and cars on each of said railroads and said power to make schedules shall include the classification of such rates and it shall be the duty of said commission to make such classification and said schedules so made by said commission shall, in all suits brought against any such railroad corporation wherein is in any way involved the charges of any such railroad corporation for the transportation of any freight or cars or unjust discrimination in relation thereto, be deemed and taken in all courts of this state as prima facie evidence that the rates therein fixed are reasonable and just maximum rates of charges.

§ 7. CLASSIFICATION OF RAILROADS AS TO GROSS EARNINGS.] The board of railroad commissioners shall have and are hereby given and vested with power and it shall be their duty to classify all railroads in this state according to the gross amount of their several annual earnings, within this state, per mile for the preceding year as follows:

"Class A shall include those whose annual earnings per mile shall be four thousand dollars (\$4,000.00) or more."

"Class B shall include those whose gross annual earnings per mile shall be three thousand dollars (\$3,000.00) or any sum in excess thereof less than four thousand dollars (\$4,000.00)."

"Class C shall include those whose gross annual earnings per mile shall be less than three thousand dollars (\$3,000.00) and shall have power to and may fix a higher maximum charge by the railroad cor-

porations included in Class C than those included in Class B and a higher maximum charge by the railroad corporations included in Class B, than those included in Class A."

§ 8. SHIPMENTS OF FREIGHT OVER TWO OR MORE LINES TO BE MADE UNDER REASONABLE RATES.] When shipments of freight to be transported between different points within the state are required by two or more railway companies operating connecting lines, such railway company shall transport the same at reasonable through rates not greater than the maximum rates allowed by law and shall at all times give the same facilities and accommodations to local or state traffic as they give to interstate traffic over their lines of road.

§ 9. Judgment for fines and costs shall be entered in the same manner as in civil cases, and shall be enforced in like manner.

§ 10. PENALTY FOR VIOLATION. ATTORNEY FEES.] Any person or corporation guilty of violating the provisions of this act shall upon conviction thereof be punished by a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) for the first offense and for each subsequent offense not less than five thousand dollars (\$5,000.00) nor more than ten thousand dollars (\$10,000.00) and shall pay in addition to said fine so imposed the costs of prosecution. In addition to the penalties and cost provided for in this chapter, the court shall allow in any action brought under the provisions of this chapter, a reasonable attorney's fee, to be assessed as part of the costs of said action, which attorney's fee, so assessed, shall go to the attorney general or state's attorney who conducted the prosecution, and shall be retained by such attorney general or state's attorney as additional compensation to that otherwise allowed by the laws of this state as such attorney general's or states attorney's salary.

§ 11. PROSECUTION MAY BE MADE BY THE ATTORNEY GENERAL AND BY STATES ATTORNEY IN ANY COUNTY WHERE VIOLATION OCCURRED.] Prosecution shall be made by the attorney general and states attorney in the county where violation occurred, under any provision of this act, in any county of the state through or into which the line of any railway so offending against the provisions of this act may extend, it shall be and hereby is made the duty of the attorney general of the state and also of the states attorney of any such county to appear therein and conduct the prosecution, the attorney general shall conduct the prosecution, and shall be assisted by the states attorney, if so requested by the attorney general. If in any case the attorney general refuses to prosecute, upon request to do so by the states attorney then the states attorney may proceed without the consent of the attorney general.

§ 12. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1917.

CHAPTER 189.

[S. B. No. 78—Mostad.]

SEMI-MONTHLY PAY.

An Act to Require all Railroad Corporations Doing Business Within This State to Pay Their Employees at Least Semi-Monthly, the Wages Earned by Them to Within Fifteen (15) Days of the Date of Such Payment, Unless Prevented in Inevitable Casualty, and Providing Penalty in Case of Default.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. All railroad corporations doing business within this state are required to pay their employees at least semi-monthly, the wages earned by them within fifteen (15) days of the date of such payment, unless prevented by inevitable casualty. Provided, however, that whenever an employee shall be discharged, his wages shall be paid to him at the time of his discharge or whenever he shall demand the same thereafter.

§ 2. PENALTY FOR FAILURE TO MAKE PAYMENT.] Whenever any railroad corporation shall for seven days neglect or refuse to pay its employees as prescribed by Section 1 of this Act, the wages due them may be recovered by action without further demand, and there shall be allowed to the plaintiff and included in his judgment, in addition to his costs and disbursements allowed by law five dollars if the judgment be recovered in a justice court, and a like sum if the judgment be recovered in a municipal court where no statutory costs are now allowed in such municipal court in such action and double costs in all other courts on appeal.

§ 3. REPEAL.] All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 8, 1917.

CHAPTER 190.

[H. B. No. 184—Prater.]

SHIPMENT OF CASES CONTAINING BOTTLES.

An Act to Regulate the Shipment of Cases Containing Bottles, and Providing that Certain Additional Facts be Contained in the Bill of Lading and Freight Receipt Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That whenever unsealed cases containing bottles are received by common carriers to be transported from one place to another, such cases shall be marked with a label or tag, on which shall be distinctly written or printed, the name of the consignor and consignee.

§ 2. That the bill of lading and freight receipt issued for such shipment, in addition to the other matter required by law to be

stated, specify the number of bottles in such cases, and whether such bottles are full or empty.

Approved March 12, 1917.

CHAPTER 191.

[H. B. No. 351—Blanchard.]

SIDE TRACKS ADJACENT TO COAL MINES.

An Act to Amend and Re-enact Section 4767 of the Compiled Laws of North Dakota for the year 1913, Relating to Side Tracks Adjacent to Coal Mines, and Providing for the Extension Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That Section 4767 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby, amended and re-enacted to read as follows:

§ 4767. SIDE TRACKS ADJACENT TO COAL MINES.] Whenever any person, owning or operating any coal mine within the State, from which not less than fifty cars of coal have been shipped from any one station over any portion of any railroad within the limits of the State shall petition any such railroad company to build a side track or spur at least three hundred feet in length adjacent to such mine, or for an extension of such side track or spur which is now in use, it shall then be the duty of such railroad company to build, equip and operate such side track or spur; provided, that such spur is not nearer than two miles from any station already in operation; provided, further, that any person opening a coal mine within two miles of any station may petition for a side track or spur, or for an extension of such side track or spur which is now in use, and by executing an indemnity bond in favor of such railroad company in the sum of two thousand dollars, conditioned on the agreement that such person will ship within one year after the completion of such spur or side track not less than one hundred car loads of coal and when such bond is duly executed with two sureties, approved by the county judge of the county wherein such side track is situated, such railroad company shall within sixty days build, equip, and operate such side track or spur as provided for in this section. And the commissioners of railroads shall have power to locate such side track or spur, or extension of such side track or spur which is now in use, and order it properly provided with platforms and other conveniences for loading coal and other commodities thereat.

Approved March 10, 1917.

CHAPTER 192.

[H. B. No. 195—Stinger.]

UNFAIR DISCRIMINATION BY RAILROAD COMPANIES.

An Act to Prevent Unfair Discrimination by Railroad Companies in the Furnishing of Cars to the Different Elevator Companies, at any Railroad Station in North Dakota and Prescribing Penalties.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DUTIES OF RAILROAD COMPANIES. HOW PERFORMED.] Whenever one or more elevator companies, having an elevator located at a railroad station in North Dakota, shall order, or ask, of such railroad company on whose line the elevator is located, any car or cars, into which to load and ship grain, over such company's road, such railroad company shall furnish and distribute cars to the several elevator companies, applying for cars proportionately on the basis of daily receipts, in the following manner: The elevator company receiving the greatest number of bushels daily, shall receive the first available car, the elevator company receiving the second largest number of bushels daily, the next available car and so on proportionately, provided, however, that if any elevator company shall receive more than twice the number of bushels daily than any other elevator company receives at such station, then the elevator company receiving the highest number of bushels shall be allotted two times as many cars as are allotted to such other elevator company and if any elevator company shall receive three times as many bushels than any other elevator company receives at such station then such elevator company shall be allotted three times as many cars as such other elevator company and in the distribution of cars to such elevator companies for the shipment of grain the railroad company shall apportion such cars in the manner herein stated according to the daily receipts of grain of each such elevator company.

§ 2. Any elevator company, or agent of any elevator company that orders, or asks, a railroad company to furnish cars in which to ship grain shall if requested by the railroad company or the agent of the railroad company make a written statement showing the number of bushels the elevator company has received daily for the preceding ten days before such request is made and such elevator company or agent shall properly sign and file such request with the railroad company in their local office at the station where such car or cars are required or at the place where such orders are usually received by the railroad company or agent thereof. Any elevator company or agent thereof, or other parties that makes a false report so as to obtain more cars than such elevator company is entitled to under the provisions of this Act shall upon conviction thereof, be fined ten dollars for the first offense and for each other such offense twenty-five dollars and costs. Any railroad company

or agent thereof when applications are made for cars in which to ship grain failing to furnish such cars to the several elevator companies according to the terms and provisions of this Act shall upon conviction thereof be fined five dollars for the first offense and twenty-five dollars for each subsequent offense thereafter, together with costs. Provided further that individuals when ordering cars in which to loan and ship grain shall be entitled to the same privileges as the grain elevator companies, in the distribution of cars, and individual shippers shall not be obliged to certify to the daily receipts but shall certify that the car or cars are ordered to ship his own grain in only.

Approved March 12, 1917.

RAPE

CHAPTER 193.

[S. B. No. 199—Rowe.]

RAPE IN THIRD DEGREE.

An Act to Amend and Re-enact Section 9567 of the Compiled Laws of North Dakota for 1913, as Amended by Section 2, Chapter 201, Session Laws of North Dakota for 1915, Defining Rape in the Third Degree.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 9567 of the Compiled Laws of North Dakota for 1913, as amended by Section 2, Chapter 201, Session Laws of North Dakota for 1915 is hereby amended and re-enacted to read as follows:

§ 9567. RAPE IN THE THIRD DEGREE DEFINED. PUNISHMENT.] Rape if committed by a person under twenty years of age at the time of the commission of the act and under the conditions described in Sub-divisions 2, 3, 4, 5, 6 and 7 of Section 9563, or either of them, or in other cases with the apparent consent of the female, and she is under the age of eighteen years, is rape in the third degree and any person found guilty thereof shall be punished by confinement in the Reform School for a term of not less than one, nor more than three years, in the discretion of the court.

Approved March 9, 1917.

REPEAL

CHAPTER 194.

[H. B. No. 121—Lageson.]

REPEAL.

An Act to Repeal Chapter 234 of the Session Laws of North Dakota for the year 1915, Relating to the State Board of Immigration.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Chapter 234 of the Session Laws of North Dakota for the year 1915 is hereby repealed.

Approved March 1, 1917.

CHAPTER 195.

[S. B. No. 278—Joint Committee on State Affairs.]

REPEAL.

An Act Repealing Section 9601 of the Compiled Laws of the State of North Dakota for the year 1913.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] Section 9601 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby repealed.

Approved March 9, 1917.

CHAPTER 196.

[S. B. No. 194—Rowe.]

REPEAL.

An Act to Repeal Section 2155 of the Compiled Laws of the State of North Dakota for 1913.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Section 2155 of the Compiled Laws of North Dakota for the year 1913, is hereby repealed.

Approved March 9, 1917.

CHAPTER 197.

[S. B. No. 110—Hunt.]

ANNUAL STATEMENT OF COUNTY AUDITOR AND COUNTY
TREASURER.

An Act to Repeal Section 3365 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Joint Annual Statement of County Auditor and County Treasurer.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Section 3365 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby repealed.

Approved March 8, 1917.

CHAPTER 198.

[H. B. No. 30—Rott.]

EXPENSES OF JUDGES OF SUPREME COURT.

An Act Repealing Section 720 of the Compiled Laws of North Dakota for the year 1913, Relating to Expenses Paid to Supreme Judges.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 720 of the Compiled Laws of North Dakota for the year 1913, entitled "Expenses Paid," is hereby repealed.

Approved February 2, 1917.

CHAPTER 199.

[H. B. No. 19—Smith of Kidder.]

REPEAL—RELATING TO FEE CHARGED BY COUNTY AUDITOR FOR
FILING TOWNSHIP OFFICERS BONDS.

An Act to Repeal Section 672 of the Compiled Laws of North Dakota for the year 1913, Relating to Fee Charged by County Auditor for Filing Township Officers Bonds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPEAL.] That Section 672 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved January 24, 1917.

REWARD FOR APPREHENSION OF CRIMINALS

CHAPTER 200.

[S. B. No. 209—Putnam.]

REWARD FOR APPREHENSION OF CRIMINALS.

An Act Amending Section 11150 of the Compiled Laws of North Dakota for 1913, Relating to the Reward for the Apprehension of Criminals.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 11150 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 11150. GOVERNOR MAY OFFER REWARD FOR CRIMINAL.] The governor may offer a reward, not exceeding one thousand dollars, payable out of the state treasury for the apprehension:

1. Of any convict who has escaped from the penitentiary, or,
2. Of any person who has committed, or is charged with the commission of an offense punishable by imprisonment in the penitentiary for life.

3. Of any person who is charged with having absconded with or embezzled, or unlawfully taken and carried away any funds, assets or property of any state or national bank doing business in this state.

Approved March 9, 1917.

ROAD MACHINERY

CHAPTER 201.

[S. B. No. 104—Ettestad.]

PURCHASE OF ROAD MACHINERY.

An Act to Amend and Re-enact Section 1980 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Purchase of Road Machinery.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1980 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 1980. PURCHASE ROAD MACHINE.] In any township in

which the whole or any part of the highway tax is paid in labor, the township board thereof may upon being petitioned in writing by a majority of the resident freeholders of the town, contract for and purchase, upon credit, or otherwise, a road machine, road grader or wheeled scrapers, or one or more of either of them for the use of the township, which implements shall be used and owned and cared for by the township.

Provided, however, that if the cost of such road machinery shall exceed the sum of four hundred dollars, the question of purchasing such road machinery shall be submitted to a vote of the electors at the next annual township election. The form of the ballots shall be as follows:

For Purchasing Road Machinery..... ☐

Against Purchase of Road Machinery..... ☐

Each voter shall place at the right of the proposition he favors in a square for that purpose the mark X. If a majority of the votes cast on the question are in favor of purchasing such road machinery the township board shall purchase the same, but if a majority of such ballots are cast against the proposition the township board shall not purchase such machinery. The posting of notices of such election and the manner of counting ballots shall be the same as prescribed for the posting of election notices and counting of election ballots for the annual township election.

The cost of such road implements shall be paid for out of the highway tax of the township and may be paid for in not to exceed five annual installments. A copy of the notice or contract issued upon such purchase shall be filed in the office of the township clerk, and it shall be the duty of such township clerk to present a statement of the sum due thereon, to the township board, at each regular meetnig held thereafter for the audit of the township claims and charges, and the township board shall audit the same. Not more than one-half of the highway tax of the township shall be applied to the payment thereof in any one year. The portion of such tax so applied shall be required to be paid in money, and shall be assessed and levied upon property of the township and collected in the same manner as other township charges are assessed, levied and collected, except that the amount thereof shall be put in a separate column of the tax roll, and the township board shall cause the same so certified to by the township clerk, to be levied upon the taxable property of the township.

Approved March 8, 1917.

SALES

CHAPTER 202.

[H. B. No. 188—J. F. T. O'Connor of Grand Forks.]

SALE OF GOODS.

An Act to Make Uniform the Law of Sales of Goods.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CONTRACTS TO SELL AND SALES.] (1) A contract to sell goods is a contract whereby the seller agrees to transfer the property in goods to the buyer for a consideration called the price.

2. A sale of goods is an agreement whereby the seller transfers the property in goods to the buyer for a consideration called the price.

3. A contract to sell or a sale may be absolute or conditional.

4. There may be a contract to sell or a sale between one part owner and another.

§ 2. CAPACITY. LIABILITIES FOR NECESSITIES.] Capacity to buy and sell is regulated by the general law concerning capacity to contract, and to transfer and acquire property.

Where necessities are sold and delivered to an infant, or to a person who by reason of mental incapacity or drunkenness is incompetent to contract, he must pay a reasonable price therefor.

Necessaries in this section means goods suitable to the conditions in life of such infant or other person, and to his actual requirements at the time of delivery.

FORMALITIES OF THE CONTRACT.

§ 3. FORM OF CONTRACT OR SALE.] Subject to the provisions of this act and of any statute in that behalf, a contract to sell or a sale may be made in writing (either with or without seal), or word of mouth, or partly in writing, and partly by word of mouth, or may be inferred from the conduct of the parties.

§ 4. STATUTE OF FRAUDS.] (1) A contract to sell or a sale of any goods or choses in action of the value of five hundred dollars or upwards shall not be enforceable by action unless the buyer shall accept part of the goods or choses in action so contracted to be sold or sold, and actually receive the same, or give something in earnest to bind the contract, or in part payment, or unless some note or memorandum in writing of the contract or sale be signed by the party to be charged or his agent in that behalf.

(2.) The provisions of this section apply to every such contract or sale, notwithstanding that the goods may be intended to be delivered at some future time or may not at the time of such contract or sale be actually made, procured, or provided, or fit or ready for delivery, or some act may be requisite for the making or

completing thereof, or rendering the same fit for delivery, but if the goods are to be manufactured by the seller especially for the buyer and are not suitable for sale to others in the ordinary course of the seller's business, the provision of this section shall not apply.

(3.) There is an acceptance of goods within the meaning of this section when the buyer, either before or after delivery of the goods, expresses by words or conduct his assent to becoming part owner of those specific goods.

SUBJECT MATTER OF CONTRACT

• § 5. EXISTING AND FUTURE GOODS.] (1) The goods which form the subject to a contract to sell may be either existing goods, owned or possessed by the seller, or goods to be manufactured or acquired by the seller after the making of the contract to sell, in this act called "future goods."

(2.) There may be a contract to sell goods, the acquisition of which by the seller depends upon a contingency which may or may not happen.

(3.) Where the parties purport to effect a present sale of future goods, the agreement operates as a contract to sell the goods.

§ 6. UNDIVIDED SHARES.] (1) There may be a contract to sell or a sale of an undivided share of goods. If the parties intend to effect a present sale, the buyer, by force of the agreement, becomes an owner in common with the owner or owners of the remaining shares.

(2.) In the case of fungible goods, there may be a sale of an undivided share of a specific mass, though the seller purports to sell and the buyer to buy a definite number, weight or measure of the goods in the mass, and though the number, weight or measure of the goods in the mass is undetermined. By such a sale the buyer becomes owner in common of such a share of the mass as the number, weight or measure bought bears to the number, weight or measure of the mass. If the mass contains less than the number, weight or measure bought, the buyer becomes the owner of the whole mass and the seller is bound to make good the deficiency from similar goods unless a contrary intent appears.

§ 7. DESTRUCTION OF GOODS SOLD.] Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have wholly perished at the time when the agreement was made, the agreement is void.

(2.) Where the parties purport to sell specific goods, and the goods without the knowledge of the seller have perished in part or have wholly or in a material part so deteriorated in quality as to be substantially changed in character, the buyer may at his option treat the sale:

(a) As avoided, or

(b) As transferring the property in all of the existing goods or in so much thereof as have not deteriorated and as binding the buyer to pay the full agreed price if the sale was indivisible, or to

pay the agreed price for the goods in which the property passes if the sale was divisible.

§ 8. DESTRUCTION OF GOODS CONTRACTED TO BE SOLD.] (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2.) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract:

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

THE PRICE

§ 9. DEFINITION AND ASCERTAINMENT OF PRICE.] (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2.) The price may be made payable in any personal property.

(3.) Where the transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this act shall not apply.

(4.) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

§ 10. SALE AT A VALUATION.] (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the contract or the sale is thereby avoided; but if the goods or any part thereof have been delivered to and appropriated by the buyer he must pay a reasonable price therefor.

(2.) Where such third person is prevented from fixing the price of terms by fault of either the seller or the buyer, the party not in fault may have such remedies against the party in fault as are allowed by parts IV and V of this act.

CONDITIONS AND WARRANTIES

§ 11. EFFECT OF CONDITIONS.] (1) Where the obligation of either party to a contract to sell or a sale is subject to any condition which is not performed, such a party may refuse to pro-

ceed with the contract or sale or he may waive performance of the condition. If the other party has promised that the condition should happen or be performed, such first mentioned party may also treat the non-performance of the conditions as a breach of warranty.

(2.) Where the property in the goods has not passed, the buyer may treat the fulfillment by the seller of his obligation to furnish goods as described and as warranted expressly or by implication in the contract to sell as a condition of the obligation of the buyer, to perform his promise and to accept and pay for the goods.

§ 12. DEFINITION OF EXPRESS WARRANTY.] Any affirmation or fact of any promise by the seller relating to the goods is an express warranty if the natural tendency of such affirmation or promise to induce the buyer to purchase the goods and if the buyer purchases the goods relying thereon. No affirmation of the value of the goods, not any statement purporting to be a statement of the seller's opinion only shall be construed as a warranty.

§ 13. IMPLIED WARRANTIES OF TITLE.] In a contract to sell or a sale, unless a contrary intention appears, there is—

(1.) An implied warranty on the part of the seller that in case of a sale he has a right to sell the goods, and that in case of a contract to sell he will have a right to sell the goods at the time when the property is to pass.

(2.) An implied warranty that the buyer shall have and enjoy quiet possession of the goods as against any lawful claims existing at the time of the sale.

(3.) An implied warranty that the goods shall be free at the time of the sale from any charge or encumbrance in favor of any third person not declared or known to the buyer before or at the time when the contract or sale is made.

(4.) This section shall not, however, be held to render liable a sheriff, auctioneer, mortgagee or any other person professing to sell by virtue of authority in fact or law goods in which a third person has a legal or equitable interest.

§ 14. IMPLIED WARRANTY IN SALE BY DESCRIPTION.] Where there is a contract to sell or a sale of goods by description, there is an implied warranty that the goods shall correspond with the description and if the contract or sale be by sample, as well as by description, it is not sufficient that the bulk of the goods corresponds with the sample if the goods do not also correspond with the description.

§ 15. IMPLIED WARRANTIES OF QUALITY.] Subject to the provisions of this act and of any statute in that behalf, there is no implied warranty or condition as to the quality or fitness for any particular purpose of goods applied under a contract to sell or a sale except as follows:

(1.) Where the buyer, expressly or by implication, makes known to the seller the particular purpose for which the goods are required, and it appears that the buyer relies upon the seller's skill or judgment (whether he be the grower or manufacturer or not),

there is an implied warranty that the goods shall be reasonably fit for that purpose.

(2.) Where the goods are bought by description from a seller who deals in goods of that description (whether he be the grower or manufacturer or not), there is an implied warranty that the goods shall be of merchantable quality.

(3.) If the buyer has examined the goods, there is no implied warranty as regards the defects which such examination ought to have revealed.

(4.) In the case of a contract to sell or a sale of a specified article under its patent or other trade name, there is no implied warranty as to its fitness for any particular purpose.

(5.) An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

(6.) An express warranty or condition does not negative a warranty or condition implied under this act unless inconsistent therewith.

SALE BY SAMPLE

§ 16. IMPLIED WARRANTIES IN SALE BY SAMPLE.] In the case of a contract to sell or a sale by sample:

(a) There is an implied warranty that the bulk shall correspond with the sample of quality.

(b) There is an implied warranty that the buyer shall have a reasonable opportunity of comparing the bulk with the sample, except so far as otherwise provided in section 47 (3).

(c) If the seller is a dealer in goods of that kind, there is an implied warranty that the goods shall be free from any defect rendering them unmerchantable which would not be apparent on reasonable examination of the sample.

PART II.

TRANSFER OF PROPERTY AS BETWEEN SELLER AND BUYER

§ 17. NO PROPERTY PASSES UNTIL GOODS ARE ASCERTAINED.] Where there is a contract to sell unascertained goods no property in the goods is transferred to the buyer unless and until the goods are ascertained, but property in an undivided share of ascertained goods may be transferred as provided in section 6.

§ 18. PROPERTY IN SPECIFIC GOODS PASSES WHEN PARTIES SO INTEND.] (1) Where there is a contract to sell specific or ascertained goods, the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred.

(2.) For the purpose of ascertaining the intention of the parties, regard shall be had to the terms of the contract, the conduct of the parties, usages of trade and the circumstances of the case.

§ 19. RULES FOR ASCERTAINING INTENTION.] Unless a different intention appears, the following are the rules for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer.

Rule 1. Where there is an unconditional contract to sell specific goods, in a deliverable state the property in the goods passes to the buyer when the contract is made and it is immaterial whether the time of payment or the time for delivery, or both, be postponed.

Rule 2. Where there is a contract to sell specific goods and the seller is bound to do something to the goods, for the purpose of putting them into a deliverable state, the property does not pass until such a thing be done.

Rule 3. (1) When the goods are delivered to the buyer "on sale or return", or on other terms indicating an intention to make a present sale, but to give the buyer an option to return the goods instead of paying the price, the property passes to the buyer on delivery, but he may revest the property in the seller by returning or tendering the goods within the time fixed in the contract, or, if no time has been fixed, within a reasonable time.

(2.) When goods are delivered to the buyer on approval or on trial or on satisfaction, or other similar terms, the property therein passes to the buyer—

(a) When he signifies his approval or acceptance to the seller or does any other act adopting the transaction:

(b) If he does not signify his approval or acceptance to the seller, but retains the goods without giving notice of the rejection then if a time has been fixed for the return of the goods, on the expiration of such time, and, if no time has been fixed, on the expiration of a reasonable time. What is a reasonable time is a question of fact.

Rule 4. (1) Where there is a contract to sell unascertained or future goods by description, and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer, or by the buyer with the assent of the seller, the property in the goods thereupon passes to the buyer. Such assent may be expressed or implied, and may be given either before or after the appropriation is made.

(2.) Where, in pursuance of a contract to sell the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purpose of transmission to or holding for the buyer, he is presumed to have unconditionally appropriated the goods to the contract, except in the cases provided for in the next rule and in section 20. This presumption is applicable, although by the terms of the contract, the buyer is to pay the price before receiving delivery of the goods, and the goods are marked with the words "collect on delivery" or their equivalent.

Rule 5. If the contract to sell requires the seller to deliver the goods to the buyer, or at a particular place, or to pay the freight or cost of transportation to the buyer, or to a particular place, the property does not pass until the goods have been delivered to the buyer or reached the place agreed upon.

§ 20. RESERVATION OF RIGHT OF POSSESSION OR PROPERTY WHEN GOODS ARE SHIPPED.] (1) Where there is a contract to sell specific goods, or where goods are subsequently appropriated to the contract, the seller may, by the terms of the contract or appropriation, reserve the right of possession or property in the goods until certain conditions have been fulfilled. The right of possession or property may be thus reserved notwithstanding the delivery of the goods to the buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

(2.) Where goods are shipped, and by the bill of lading the goods are deliverable to the seller or his agent, or to the order of the seller or his agent, the seller thereby reserves the property in the goods. But if, except for the form of the bill of lading, the property would have passed to the buyer on shipment of the goods the seller's property in the goods shall be deemed to be only for the purpose of securing performance by the buyer of his obligations under the contract.

(3.) Where the goods are shipped, and by the bill of lading the goods are deliverable to the order of the buyer or of his agent, but possession of the bill of lading is retained by the seller or his agent, the seller thereby reserves a right to the possession of the goods as against the buyer.

(4.) Where the seller of goods draws on the buyer for the price and transmits the bill of exchange and the bill of lading together with the buyer to secure acceptance or payment of the bill of exchange, the buyer is bound to return the bill of lading if he does not honor the bill of exchange, and if he wrongfully retains the bill of lading he acquires no added right thereby. If, however, the bill of lading provides that the goods are deliverable to the buyer or to the order of the buyer, or is indorsed in blank, or to the buyer by the consignee named therein, one who purchases in good faith, for value, the bill of lading, or goods from the buyer will obtain the property in the goods, although the bill of exchange has not been honored, provided that such purchaser has received delivery of the bill of lading indorsed by the consignee named therein, or of the goods, without notice of the facts making the transfer wrongful.

§ 21 SALE BY AUCTION.] In the case of sale by auction—

(1.) Where goods are put up for sale by auction in lots, each lot is the subject of a separate contract of sale.

(2.) A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer, or in other customary manner. Until such announcement is made, any bidder may retract his bid and the auctioneer may withdraw the goods from sale unless the auction has been announced to be without reserve.

(3.) A right to bid may be reserved expressly by or on behalf of the seller.

(4.) Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it shall not be lawful for the seller to bid himself or to employ or induce any per-

son to bid at such a sale in his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent to the buyer.

§ 22. RISK OF LOSS.] Unless otherwise agreed, the goods remain at the sellers risk until the property therein is transferred to the buyer, but when the property therein is transferred to the buyer the goods are at the buyer's risk whether the delivery has been made or not, except that—

(a) Where delivery of the goods has been made to the buyer, or to a bailee for the buyer, in pursuance of the contract and the property in the goods has been retained by the seller merely to secure performance by the buyer of his obligation under the contract, the goods are at the buyer's risk from the time of such delivery.

(b) Where delivery has been delayed through the fault of either buyer or seller the goods are at the risk of the party in fault as regards any loss which might not have occurred but for such fault.

TRANSFER OF TITLES

§ 23. SALE BY A PERSON NOT THE OWNER.] (1) Subject to the provisions of this act, where the goods are sold by a person who is not the owner thereof, and who does not sell them under the authority or with the consent of the owner, the buyer acquires no better title to the goods than the seller had, unless the owner of the goods is by his conduct precluded from denying the seller's authority to sell.

(2.) Nothing in this act however shall affect:

(a) The provisions of any factor's acts, recording acts or any enactment enabling the apparent owner of the goods to dispose of them as if he were the true owner thereof.

(b) The validity of any contract to sell or sale under any special common law or statutory power of sale under the order of a court of competent jurisdiction.

§ 24. SALE BY ONE HAVING A VOIDABLE TITLE.] Where the seller of the goods has a voidable title thereto, but his title has not been avoided at the time of the sale, the buyer acquires a good title to the goods, provided he buys them in good faith, for value, and without notice of the seller's defect of title.

§ 25. SALE BY SELLER IN POSSESSION OF GOODS ALREADY SOLD.] Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods, the delivery or transfer by that person, or by an agent acting for him, of the goods, or documents of title under any sale, pledge or other disposition thereof, to any person receiving and paying value for the same in good faith and without notice of the previous sale shall have same effect as if the person making the delivery or transfer

were expressly authorized by the owner of the goods to make the same.

§ 26. CREDITORS' RIGHTS AGAINST SOLD GOODS IN SELLERS' POSSESSION.] Where a person having sold goods continues in possession of the goods, or of negotiable documents of title to the goods and such retention of possession is fraudulent in fact or is deemed fraudulent under any rule of law, a creditor or creditors of the seller may treat the sale as void.

§ 27. DEFINITION OF NEGOTIABLE DOCUMENTS OF TITLE.] A document of title in which it is stated that the goods referred to therein will be delivered to the bearer, or to the order of any person named in such document is a negotiable document of title.

§ 28. NEGOTIATION OF NEGOTIABLE DOCUMENTS BY DELIVERY.] A negotiable document of title may be negotiated by delivery—

(a) Where by the terms of the documents the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the bearer, or,

(b) Where by the terms of the document the carrier, warehouseman or other bailee issuing the same undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the document has indorsed it in blank or to bearer.

(c) Where by the terms of a negotiable document of title the goods are deliverable to bearer, or where a negotiable document of title has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the document shall thereafter be negotiated only by the endorsement of such indorsee.

§ 29. NEGOTIATION OF NEGOTIABLE DOCUMENTS BY INDORSEMENT.] A negotiable document of title may be negotiated by the indorsement of the person to whose order the goods are by the terms of the document deliverable. Such indorsement may be in blank, to bearer or to a specified person. If endorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiations may be made in like manner.

§ 30. NEGOTIABLE DOCUMENTS OF TITLE MARKED "NOT NEGOTIABLE."] If a document of title which contains an undertaking by a carrier, warehouseman, or other bailee to deliver the goods to the bearer, to a specified person or order, or to the order of a specified person, or which contains words of like import, has placed upon it the words "Not negotiable," "Non-negotiable" or the like, such a document may nevertheless be negotiated by the holder and is a negotiable document of title within the meaning of this act. But nothing in this act contained shall be construed as limiting or defining the effect upon the obligations of the carrier, warehouseman, or other bailee issuing a document of title placing thereon the words "not negotiable" "non-negotiable" or the like.

§ 31. TRANSFER OF NON-NEGOTIABLE DOCUMENTS.] A document of title which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable document cannot be negotiated and the indorsement of such a document gives the transferee no additional right.

§ 32. WHO MAY NEGOTIATE A DOCUMENT.] A negotiable document may be negotiated by any person in possession of the same, however such possession may have been acquired if, by the terms of the document, the bailee issuing it undertakes to deliver the goods to the order of such person, or if at the time of negotiation the document is in such form that it may be negotiated by delivery.

§ 33. RIGHTS OF PERSON TO WHOM DOCUMENT HAS BEEN NEGOTIATED.] A person to whom a negotiable document of title has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the document to him had or had ability to convey to a purchaser in good faith for value and also such title to the goods as the person to whose order the goods were to be delivered by the terms of the document had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the bailee issuing the document to hold possession of the goods for him according to the terms of the document as fully as if such bailee has contracted directly with him.

§ 34. RIGHTS OF PERSON TO WHOM DOCUMENT HAS BEEN TRANSFERRED.] A person to whom a document of title has been transferred, but not negotiated, acquires thereby as against the transferor, the title to the goods, subject to the terms of any agreement with the transferor.

If the document is non-negotiable, such person also acquires the right to notify the bailee who issued the document of transfer thereof, and thereby to acquire the direct obligation of such bailee to possession of the goods for him according to the terms of the document.

Prior to the notification of such bailee by the transferor or transferee of a non-negotiable document of title, the title of the transferee to the goods and the right to acquire the obligation of such bailee may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by notification of such bailee by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

§ 35. TRANSFER OF NEGOTIABLE DOCUMENT WITHOUT INDORSEMENT.] Where a negotiable document of title is transferred for value by delivery and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the document unless a con-

trary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

§ 36. WARRANTIES ON SALE OF DOCUMENT.] A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- (a) That the document is genuine;
- (b) That he has a legal right to negotiate or transfer it;
- (c) That he has knowledge of no fact which would impair the validity or worth of the document, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose, whenever such warranties would have been implied if the contract of the parties had been to transfer without a document of title the goods represented thereby.

§ 37. INDORSER NOT A GUARANTOR.] The indorser of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

§ 38. WHEN NEGOTIATION NOT IMPAIRED BY FRAUD, MISTAKE OR DURESS.] The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was negotiated or a person to whom the document was subsequently negotiated paid value therefore, without notice of the breach of duty, or fraud, mistake or duress.

§ 39. ATTACHMENT OR LEVY UPON GOODS FOR WHICH A NEGOTIABLE DOCUMENT HAS BEEN ISSUED.] If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in possession of such bailee be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee, or its negotiation enjoined. The bailee shall in no case be compelled to deliver up the actual possession of the goods until the document is surrendered to him or impounded by the court.

§ 40. CREDITORS' REMEDIES TO REACH NEGOTIABLE DOCUMENTS.] A creditor whose debtor is the owner of a negotiable document of title shall be entitled to such aid from courts of appropriate jurisdiction by injunction and otherwise in attaching such document or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which cannot readily be attached or levied upon by ordinary legal process.

PART III.

PERFORMANCE OF THE CONTRACT

§ 41. SELLER MUST DELIVER AND BUYER ACCEPT GOODS.] It is the duty of the seller to deliver the goods, and of the buyer to accept and pay for them, in accordance with the terms of the contract to sell or sale.

§ 42. DELIVERY AND PAYMENT ARE CONCURRENT CONDITIONS.] Unless otherwise agreed, delivery of the goods and payment of the price are concurrent conditions; that is to say, the seller must be ready and willing to give possession of the goods to the buyer in exchange for the price and the buyer must be ready and willing to pay the price in exchange for possession of the goods.

§ 43. PLACE, TIME AND MANNER OF DELIVERY.] (1) Whether it is for the buyer to take possession of the goods or for the seller to send them to the buyer is a question depending upon each case in the contract, express or implied, between the parties. Apart from any such contract, express or implied, the usage of trade to the contrary, the place of delivery is the seller's place of business if he have one, if not his residence; but in case of a contract to sell or a sale of specific goods, which to the knowledge of the parties when the contract or the sale was made were in some other place, then that place is the place of delivery.

(2.) Where by a contract to sell or a sale the seller is bound to send the goods to the buyer, but no time for sending them is fixed, the seller is bound to send them within a reasonable time.

(3.) Where the goods at the time of sale are in the possession of a third person, the seller has not fulfilled his obligation to deliver to the buyer unless and until such a third person acknowledge to the buyer that he holds the goods on the buyer's behalf; but as against all others than the seller the buyer shall be regarded as having received delivery from the time when such third person first has notice of the sale. Nothing in this section, however, shall affect the operation of the issue or transfer of any document of title to goods.

(4.) Demand or tender of delivery may be treated as ineffectual unless made at a reasonable hour. What is a reasonable hour is a question of fact.

(5.) Unless otherwise agreed, the expenses of and incidental to putting the goods into a deliverable state must be borne by the seller.

§ 44. DELIVERY OF WRONG QUANTITY.] (1) Where the seller delivers to the buyer a quantity of goods less than he contracted to sell, the buyer may reject them, but if the buyer accepts or retains the goods so delivered knowing that the seller is not going to perform the contract in full, he must pay for them at the contract rate. If, however, the buyer has used or disposed of the goods before he knows that the seller is not going to perform his contract in full, the buyer shall not be liable for more than a fair value to him of the goods so received.

(2.) Where the seller delivers to the buyer a quantity of goods larger than he contracted to sell, the buyer may accept the goods included in the contract and reject the rest, or he may reject the whole. If the buyer accepts the whole of the goods so delivered he must pay for them at the contract rate.

(3.) Where the seller delivers to the buyer the goods he contracted to sell mixed with goods of a different description not included in the contract, the buyer may accept the goods which are in accordance with the contract, and reject the rest or he may reject the whole.

(4.) The provisions of this section are subject to any usage of trade, special agreement or course of dealing between the parties.

§ 45. DELIVERY IN INSTALLMENTS.] Unless otherwise agreed, the buyer of goods is not bound to accept delivery thereof by installments.

(2.) Where there is a contract to sell goods to be delivered by stated installments, which are to be separately paid for, and the seller makes defective deliveries in respect of one or more installments, or the buyer neglects to or refuses to take delivery of or pay for one or more installments, it depends in each case on the terms of the contract and the circumstances of the case, whether the breach of the contract is so material as to justify the injured party in refusing to proceed further and suing for damages for breach of the entire contract, or whether the breach is severable, giving rise to a claim for compensation but not to a right to treat the whole contract as broken.

§ 46. DELIVERY TO A CARRIER ON BEHALF OF THE BUYER.]

(1) Where, in pursuance of a contract to sell or a sale, the seller is authorized or required to send the goods to the buyer, delivery of the goods to a carrier, whether named by the buyer or not, for the purpose of transmission to the buyer, is deemed to be a delivery of the goods to the buyer, except in the case provided for in section 19, Rule 5, or unless a contrary intent appears.

(2.) Unless otherwise authorized by the buyer, the seller must make such contract with the carrier on behalf of the buyer as may be reasonable, having regard to the nature of the goods and the other circumstances of the case. If the seller omit so to do, and the goods are lost or damaged in course of transit, the buyer may decline to treat the delivery to the carrier as a delivery to himself, or may hold the seller responsible in damages.

(3.) Unless otherwise agreed, where goods are sent by the seller to the buyer under circumstances in which the seller knows or ought to know that it is usual to insure, the seller must give notice to the buyer as may enable him to insure them during their transit, and, if the seller fails to do so, the goods shall be deemed to be at his risk during such transit.

§ 47. RIGHT TO EXAMINE GOODS.] (1) Where goods are delivered to the buyer, which he has not previously examined, he is not deemed to have accepted them unless and until he has had a

reasonable opportunity of examining them for the purpose of ascertaining whether they are in conformity with the contract.

2. Unless otherwise agreed, when the seller tenders delivery of goods to the buyer, he is bound, on request, to afford the buyer reasonable opportunity of examining the goods for the purpose of ascertaining whether they are in conformity with the contract.

3. Where goods are delivered to a carrier by the seller, in accordance with an order from or agreement with the buyer, upon the terms that the goods shall not be delivered by the carrier to the buyer until he has paid the price, whether such terms are indicated by marking the goods with the words "collect on delivery," or otherwise, the buyer is not entitled to examine the goods before payment of the price in the absence of agreement permitting such examination.

§ 48. WHAT CONSTITUTES ACCEPTANCE.] The buyer is deemed to have accepted the goods when he intimates to the seller that he has accepted them or when the goods have been delivered to him, and he does not act in relation to them which is inconsistent with the ownership of the seller, or when after the lapse of a reasonable time, he retains the goods without intimating to the seller that he has rejected them.

§ 49. ACCEPTANCE DOES NOT BAR ACTION FOR DAMAGES.] In the absence of express or implied agreement of the parties, acceptance of the goods by the buyer does not discharge the seller from liability in damages or other legal remedy for breach of any promise or warranty in the contract to sell or the sale. But, if, after acceptance of the goods, the buyer fail to give notice to the seller of the breach of any promise or warranty within a reasonable time after the buyer knows, or ought to know of such breach, the seller shall not be liable therefor.

§ 50. BUYER IS NOT BOUND TO RETURN GOODS WRONGLY DELIVERED.] Unless otherwise agreed, where goods are delivered to the buyer, and he refuses to accept them having the right so to do, he is not bound to return them to the seller, but it is sufficient if he notifies the seller that he refuses to accept them.

§ 51. BUYER'S LIABILITY FOR FAILURE TO ACCEPT DELIVERY.] When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to repudiation or breach of the entire contract, the seller shall have the right against the goods and on the contract thereinafter provided in favor of the seller when the buyer is in default.

PART IV.

RIGHTS OF UNPAID SELLER AGAINST THE GOODS

§ 52. DEFINITION OF UNPAID SELLER.] (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(a) When the whole of the price has not been paid or tendered.

(b) When a bill or exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2.) In this part of this act the term "seller" includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

§ 53. REMEDIES OF AN UNPAID SELLER.] (1) Subject to the provisions of this act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods as such, has—

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of the insolvency of the buyer, a right of stopping the goods in transit after he has parted with the possession of them;

(c) A right of resale as limited by this act;

(d) A right to rescind the sale as limited by this act.

(2.) Where the property in goods has not passed to the buyer, the unpaid seller has, in addition to his other remedies, a right of withholding delivery similar to and coextensive with his rights of lien and stoppage in transit where the property has passed to the buyer.

UNPAID SELLER'S LIEN

§ 54. WHEN RIGHT OF LIEN MAY BE EXTENDED.] (1) Subject to the provisions of this act, the unpaid seller of goods who is in possession of them is entitled to retain the possession of them until payment or tender of the price in the following cases, namely:

(a) Where the goods have been sold without any stipulation as to credit;

(b) Where the goods have been sold on credit, but the term of credit has expired;

(c) Where the buyer becomes insolvent.

(2.) The seller may exercise his right of lien notwithstanding that he is in possession of the goods as agent or bailee for the buyer.

§ 55. LIEN AFTER PART DELIVERY.] Where an unpaid seller has made part delivery of the goods, he may exercise his right of lien on the remainder, unless such part delivery has been made under such circumstances as to show an intent to waive the lien or right of retention.

§ 56. WHEN LIEN IS LOST.] (1) The unpaid seller of goods loses his lien thereon—

(a) When he delivers the goods to a carrier or other bailee for the purpose of transmission to the buyer without reserving the property in the goods or the right to the possession thereof;

(b) When the buyer or his agent lawfully obtains possession of the goods;

(c) By waiver thereof.

(2.) The unpaid seller of goods, having a lien thereon does not lose his lien by reason only that he has obtained judgment or decree for the price of the goods.

STOPPAGE IN TRANSIT

§ 57. SELLER MAY STOP GOODS ON BUYER'S INSOLVENCY.] Subject to the provisions of this act, when the buyer of goods is or becomes insolvent, the unpaid seller who has parted with the possession of the goods has the right of stopping them in transit, that is to say he may resume possession of the goods at any time while they are in transit, and he will then become entitled to the same rights in regard to the goods as he would have had if he had never parted with the possession.

§ 58. WHEN GOODS ARE IN TRANSIT.] (1) Goods are in transit within the meaning of section 57—

(a) From the time when they are delivered to a carrier by land or water, or other bailee for the purpose of transmission in that behalf, takes delivery of them from such carrier or other bailee.

(b) If the goods are rejected by the buyer, and the carrier or other bailee continues in possession of them even if the seller has refused to receive them back.

(2.) Goods are no longer in transit within the meaning of section 57,

(a) If the buyer, or his agent in that behalf, obtains delivery of the goods before their arrival at the appointed destination;

(b) If, after the arrival of the goods at the appointed destination, the carrier or other bailee acknowledges to the buyer or his agent that he holds the goods on his behalf and continues in possession of them as bailee for the buyer or his agent; and it is immaterial that a further destination for the goods may have been indicated by the buyer;

(c) If the carrier or other bailee wrongfully refuses to deliver the goods to the buyer or his agent in that behalf.

(3.) If goods are delivered to a ship chartered by the buyer, it is a question depending on the circumstances of the particular case, whether they are in the possession of the master as a carrier or as agent of the buyer.

(4.) If part delivery of the goods has been made to the buyer, or his agent in that behalf, the remainder of the goods may be stopped in transit, unless such part delivery, has been made under such circumstances as to show an agreement with the buyer to give up possession of the whole of the goods.

§ 59. WAYS OF EXERCISING THE RIGHT TO STOP.] (1) The unpaid seller may exercise his right of stoppage in transit either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter

case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence, may prevent a delivery to the buyer.

(2.) When notice of stoppage in transit is given by the seller to the carrier, or other bailee in possession of the goods, he must re-deliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

RESALE BY THE SELLER

§ 60. WHEN AND HOW RESALE MAY BE MADE.] (1) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price and unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transit may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) Where a resale is made, as authorized in this section the buyer acquires a good title as against the original buyer.

(3.) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether the buyer had been in default an unreasonable time before the resale was made.

(4.) It is not essential to the validity of a resale that notice of the time and place of such resale should be given by the seller to the original buyer.

(5.) The seller is bound to exercise reasonable care and judgment in making a resale, and subject to this requirement may make a resale either by public or private sale.

RESCISSION BY THE SELLER

§ 61. WHEN AND HOW THE SELLER MAY RESCIND THE SALE.]

(1) An unpaid seller having a right of lien or having stopped the goods in transit, may rescind the transfer of title and resume the property in the goods, where he expressly reserved the right to do so in case the buyer should make default or where the buyer has been in default in the payment of the price an unreasonable time. The seller shall not thereafter be liable to the buyer upon the contract to sell or the sale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2.) The transfer of title shall not be held to have been rescinded by an unpaid seller until he has manifested by notice to the buyer or by some overt act an intention to rescind. It is not necessary that such overt act should be communicated to the buyer, but the giving or failure to give notice to the buyer of the intention to rescind shall be relevant in any issue involving the question whether the buyer has been in default an unreasonable time before the right of rescission was asserted.

§ 62. EFFECT OF SALE OF GOODS SUBJECT TO LIEN OR STOPPAGE IN TRANSIT.] Subject to the provisions of this act, the unpaid seller's right of lien or stoppage in transit is not affected by any sale, or other disposition of the goods which the buyer may have made, unless the seller has assented thereto.

If, however, a negotiable document of title has been issued for goods, no seller's lien or right or stoppage in transit shall defeat the right of any purchaser for value in good faith to whom such document has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier, or other bailee who issued such document, of the seller's claim to a lien or right of stoppage in transit.

PART V.

ACTIONS FOR BREACH OF CONTRACT.

REMEDIES OF THE SELLER.

§ 63. ACTION FOR THE PRICE.] (1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2.) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3.) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and, if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

§ 64. ACTION FOR DAMAGES FOR NON-ACCEPTANCE OF THE GOODS.] (1) Where the buyer wrongfully neglects or refuses to accept and pay for the goods, the seller may maintain an action against him for non-acceptance.

(2.) The measure of damages is the estimated loss directly and naturally resulting in the ordinary course of events, from the buyer's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted or, if no time was fixed for acceptance then at the time of the refusal to accept.

(4.) If, while labor or expense of material amount are necessary on the part of the seller to enable him to fulfill his obligations under the contract to sell or the sale, the buyer repudiates the contract or the sale, or notifies the seller to proceed no further therewith, the buyer shall be liable to the seller for no greater damages than the seller would have suffered if he did nothing towards carrying out the contract or the sale after receiving notice of the buyer's repudiation or countermand. The profit the seller would have made if the contract or the sale had been fully performed shall be considered in estimating such damages.

§ 65. WHEN SELLER MAY RESCIND CONTRACT OR SALE.] Where the goods have been delivered to the buyer, and the buyer has repudiated the contract to sell or sale, or has manifested his inability to perform his obligations thereunder, or has committed a material breach thereof, the seller may totally rescind the contract or the sale by giving notice of his election so to do to the buyer.

REMEDIES OF THE BUYER

§ 66. ACTION FOR CONVERTING OR DETAINING GOODS.] Where the property in the goods has passed to the buyer and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain any action allowed by law to the owner of similar kind when wrongfully converted or withheld.

§ 67. ACTION FOR FAILING TO DELIVER GOODS.] (1) Where the property in the goods has not passed to the buyer, and the seller wrongfully neglects or refuses to deliver the goods, the buyer may maintain an action against the seller for damages for non-delivery.

(2.) The measure of damages is the loss directly and naturally resulting in the ordinary course of events, from the seller's breach of contract.

(3.) Where there is an available market for the goods in question, the measure of damages, in the absence of special circumstances showing proximate damages of a greater amount, is the difference between the contract price and the market or current price of the goods at the time or times when they ought to have been delivered, or, if no time was fixed, then at the time of the refusal to deliver.

§ 68. SPECIFIC PERFORMANCE.] Where the seller has broken

a contract to deliver specific or ascertained goods, a court having the powers of a court of equity may, if it thinks fit, on the application of the buyer, by its judgment or decree direct that the contract shall be performed specifically, without giving the seller the option of retaining the goods on payment of damages. The judgment or decree may be unconditional, or upon such terms and conditions as to damages, payment of the price and otherwise, as the court may deem just.

§ 69. REMEDIES FOR BREACH OF WARRANTY.] (1) Where there is a breach of warranty by the seller; the buyer may, at his election—

(a) Accept or keep the goods and set up against the seller, the breach of warranty by way of recoupment in diminution or extinction of the price;

(b) Accept or keep the goods and maintain an action against the seller for damages for the breach of warranty;

(c) Refuse to accept the goods, if the property therein has not passed, and maintain an action against the seller for damages for the breach of warranty;

(d) Rescind the contract to sell or the sale and refuse to receive the goods, or if the goods have already been received, return them or offer to return them to the seller and recover the price or any part thereof which has been paid.

(2.) When the buyer has claimed and been granted a remedy in any one of these ways, no other remedy can thereafter be granted.

(3.) Where the goods have been delivered to the buyer, he cannot rescind the sale if he knew of the breach of warranty when he accepted the goods, or if he fails to notify the seller within a reasonable time of the election to rescind, or if he fails to return or to offer to return the goods to the seller in substantially as good condition as they were in at the time the property was transferred to the buyer. But if deterioration or injury of the goods is due to the breach of warranty, such deterioration or injury shall not prevent the buyer from returning or offering to return the goods to the seller and rescinding the sale.

(4.) Where the buyer is entitled to rescind the sale and elects to do so, the buyer shall cease to be liable for the price upon the returning or offering to return the goods. If the price or any part thereof has already been paid, the seller shall be liable to repay so much thereof as has been paid, concurrently with the return of the goods, or immediately after an offer to return the goods in exchange for repayment of the price.

(5.) Where the buyer is entitled to rescind the sale and elects to do so, if the seller refuse to accept an offer of the buyer to return the goods, the buyer shall thereafter be deemed to hold the goods as bailee for the seller, but subject to a lien to secure the repayment of any portion of the price which has been paid, and with the remedies for the enforcement of such lien allowed to an unpaid seller by section 53.

(6.) The measure of damages for breach of warranty is the loss directly and naturally resulting, in the ordinary course of events, from the breach of warranty.

(7.) In the case of breach of warranty of quality, such loss in the absence of special circumstances showing the proximate damage of a greater amount, is the difference between the value of the goods at the time of delivery to the buyer and the value they would have had if they had answered to the warranty.

§ 70. INTEREST AND SPECIAL DAMAGES.] Nothing in this act shall affect the right of the buyer or the seller to recover interest or special damages in any case where by law interest or special damages may be recoverable, or to recover money paid where the consideration for the payment of it has failed.

PART VI.

INTERPRETATION

§ 71. VARIATION OF IMPLIED OBLIGATION.] Where any right, duty or liability would arise under a contract to sell or a sale by implication of law, it may be negatived or varied by express agreement or by the course of dealing between the parties, or by custom, if the custom be such as to bind both parties to the contract or the sale.

§ 72. RIGHTS MAY BE ENFORCED BY ACTION.] Where any right, duty or liability is declared by this act, it may, unless otherwise by this act provided, be enforced by action.

§ 73. RULES FOR CASES NOT PROVIDED FOR BY THIS ACT.] In any case not provided for in this act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent, and the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

§ 74. INTERPRETATION SHALL GIVE EFFECT TO PURPOSE OF UNIFORMITY.] This act shall be so interpreted and construed, as to effectuate its general purpose to make uniform the laws of those states, which enact it.

§ 75. PROVISIONS NOT APPLICABLE TO MORTGAGES.] The provisions of this act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, or other security.

§ 76. DEFINITIONS.] (1) In this act, unless the context or subject matter otherwise requires—

“Action” includes counterclaim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counter-claim is asserted.

"Delivery" means voluntary transfer of possession from one person to another.

"Divisible contract to sell or sale" means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertained by computation.

"Document of title to goods" includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

"Fault" means a wrongful act or default.

"Fungible goods" means any goods of which any unit is from its nature or mercantile usage treated as the equivalent of any other unit.

"Future goods" means goods to be manufactured or acquired by the seller after the making of the contract of sale.

"Goods" includes all chattels personal other than things in action and money. The term includes emblements, industrial growing crops, and things attached to or forming part of the land which are agreed to be severed before sale or under the contract of sale.

"Order" in section of this act relating to documents of title means an order by indorsement on the document.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

"Plaintiff" includes defendant asserting a right to set-off or counter-claim.

"Property" means the general property in goods, and not merely a special property.

"Purchases" includes taking as a mortgagee or as a pledgee.

"Purchaser" includes mortgagee and pledgee.

"Quality of goods" includes a bargain and sale as well as a sale and delivery.

"Seller" means a person who sells or agrees to sell goods, or any legal successor in the interest of such person.

"Specific goods" means goods identified and agreed upon at the time a contract to sell or a sale is made.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing claim, whether for money or not constitutes value where goods or documents of titles are taken either in satisfaction thereof or as security therefor.

(2.) A thing is done in "good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

(3.) A person is insolvent within the meaning of this act who either has ceased to pay his debts in the ordinary course of business

or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4.) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would under contract, be bound to take delivery of them.

§ 76a. ACT DOES NOT APPLY TO EXISTING SALES OR CONTRACTS TO SELL.] None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

§ 76b. NO REPEAL OF UNIFORM WAREHOUSE RECEIPT ACT OR UNIFORM BILLS OF LADING ACT.] Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the Act to Make Uniform the Law of Warehouse Receipts, or of the Act to Make Uniform the Law of Bills of Lading.

§ 77. INCONSISTENT LEGISLATION REPEALED.] All acts or parts of acts inconsistent with this act are hereby repealed, except as provided in section 76b.

The following sections of the Compiled Laws of North Dakota (1913) are hereby repealed: Sections 5888, (4), 5950, 5951, 5952, 5953, 5954, 5955, 5956, 5961, 5962, 5965, 5966, 5967, 5968, 5969, 5970, 5971, 5972, 5973, 5974, 5975, 5976, 5977, 5978, 5979, 5980, 5981, 5982, 5983, 5984, 5985, 5987, 5988, 5989, 5990, 5991, 5992, 5994, 5995, 5996, 5997, 5998, 5999, 6000, 6001, 6003, 6004, 6005, 6881, 6882, 6883, 6884, 6885, 7153, 7154, 7155, 7156, 7157, 7158 and 7159.

Approved March 10, 1917.

SCHOOL LANDS

CHAPTER 203.

[S. B. No. 212—King.]

DUTIES OF BOARD OF UNIVERSITY AND SCHOOL LANDS.

An Act to Amend and Re-enact Section 284 and 288 of the Compiled Laws of North Dakota for the year 1913, Relating to the Duties of the Board of University and School Lands.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 284 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 284. BOARD, HOW CONSTITUTED.] The governor, secretary of state, state auditor, attorney general and superintendent of public instruction shall constitute the Board of University and

School Lands. The governor shall be president, the secretary of state, vice president, and the commissioner of University and School Lands, secretary thereof. In the absence of the commissioner at any meeting of the board, the deputy commissioner of University and School Lands shall act as secretary. Such board when acting as such, must act personally; no member can be represented on such board by any assistant or clerk.

§ 2. AMENDMENT.] That section 288 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 288. SATISFACTION OF MORTGAGE LOANS ON REAL ESTATE.] The governor and commissioner of University and School Lands, who are respectively the chairman and secretary of the Board of University and School Lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the Board of University and School Lands whenever the loans secured by such mortgages shall have been fully paid, as certified to these officers by the state treasurer.

Approved March 1, 1917.

CHAPTER 204.

[S. B. No. 98—Kirkide, Cahill and Morkrid.]

INVESTMENT OF SCHOOL FUNDS.

An Act to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the year 1913, Relating to the Investment of School Funds on Farm Lands.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 287 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 287. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITION OF LOANS.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college and the school for the deaf and dumb, normal schools and other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under the authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states; provided such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division on which the same may be loaned, such value to be determined by the board of appraisal

of school lands; provided, at least one-third of the whole amount of the several permanent funds aforesaid as computed by the commissioner of university and school lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; provided, further, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which such lands are located. For the first five years payments shall consist only of interest, paid annually and commencing with the sixth year the interest shall be paid annually as above stated, and the borrower shall have his option of paying ten per cent or any multiple thereof of the principle at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. That it shall be optional with the borrower to negotiate such loan as prescribed in subdivision One of this section, or as hereinafter provided. The first mortgage on farm loans may be made to run for a period of time not to exceed twenty-five years, and the fund so invested shall bear interest at five per cent on the amount due on the mortgage payable annually to the treasurer of the county in which such lands are located. Provided, that where a loan is made for twenty-five years, five per cent of the principal shall be at the time and place, providing for the payment of the annual interest during the life of the loan, and until the principal has been fully paid. After five years, such mortgage may be satisfied by the payment of four per cent or any multiple of four per cent of the original amount due thereon without requiring the payment of any interest in advance.

3. First mortgage loans will only be made upon cultivated lands within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums not more than five thousand dollars, to any person, firm or corporation.

4. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon, provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the principal and interest then due on said loan the interest on the principal for six months in advance of date of such payment. All pro-

ceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the State of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such a purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

§ 2. PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.] The borrower shall submit the state land commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the land commissioner, together with an appraisal of the land signed by at least two members of the county board of appraisal and other information which may be required by the land commissioner to be furnished by said board. Such application and appraisal shall be presented to the board of university and school lands at their next meeting for consideration. Immediately after a loan is authorized the land commissioner shall notify the applicant in writing stating the amount that will be loaned. If the amount is satisfactory to the applicant he shall present the attorney general of the state an abstract continued to date.

The attorney general shall carefully examine same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the attorney general a mortgage and note executed by the owner of said premises, by wife or husband as the case may be, with the State of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to a date subsequent. The attorney general shall then certify in duplicate to the land commissioner and state auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the state auditor. If the attorney general finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificate and abstract before the state auditor who shall draw his warrant in favor of the county treasurer of the county in which the loan is made for the amount of the loan. The county treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The county treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file a statement of such fees with the state

auditor. The county treasurer shall then draw warrants disbursing the proceeds of the loan in the following manner:

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof;

Second. The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the state auditor, the abstract and all other instruments in connection with the loan.

Approved March 9, 1917.

CHAPTER 205.

[H. B. No. 144—Liederback.]

WITHDRAWING FROM SALE CERTAIN LANDS.

An Act Withdrawing from Sale Certain School Lands in Dunn County, North Dakota.

WHEREAS, efforts are being made to set aside a portion of Dunn County, known as the Killdeer Mountains, for a game, fish and forest reserve; and Whereas, the school land herein described is embraced within the said section of Dunn County; Therefore,

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. LAND DESCRIBED.] That Sections 16 and 36, Township 147, Range 96 and Sections 16 and 36, Township 148, Range 96, and Sections 16 and 36, Township 147, Range 97 and Sections 16 and 36, Township 148, Range 97, all west of the fifth principal meridian in Dunn County, all in the Killdeer Mountain district, be withdrawn from sale except for park purposes, until otherwise provided by law.

Approved March 10, 1917.

SCHOOLS

CHAPTER 206.

[S. B. No. 121—Carey.]

COMPULSORY ATTENDANCE AT SCHOOL.

An Act to Amend and Re-enact Chapter 141 of the Session Laws of North Dakota for the year 1915, Being Section 1342 of the Compiled Laws of North Dakota for 1913 as Amended, Relating to Compulsory Attendance, School Age and the Transportation of Pupils.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§11. That Chapter 141 of the Session Laws of North Dakota for the year 1915, being Section 1342 of the Compiled Laws of

North Dakota for 1913 as amended, thereby, be and the same herewith is amended to read as follows:

§ 1342. SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of the seventh and fifteenth birthdays, shall send or take such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian or other person having control over any deaf, blind or feeble-minded child or youth between the ages of seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake for the entire school year unless excused by the superintendent or principal of such school, such blind child to the school for the blind at Bathgate for the entire school year unless excused by the superintendent or principal of such school, and such feeble minded child to the institution for the feeble minded at Grafton; provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

(1) That such child is taught for the same length of time in a parochial or private school approved by the county superintendent of schools subject to appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the public schools are taught in such schools.

(2) That such child has already acquired the branches of learning taught in the public schools; provided, that in case the eighth grade is not completed, such child shall attend school, if necessary until the seventeenth birthday is reached.

(3) That such child is actually necessary to the support of the family as determined by state's attorney, subject to appeal.

(4) That such child is in such physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

If no school is taught the required length of time within two and one quarter miles from the residence of such child, by the nearest route, the school board or board of education shall, except in cases of consolidated schools, pay for transportation a sum of not less than twenty-five cents (25c) nor more than fifty cents (50c) per day to any one family living more than two and a quarter miles from the nearest school, which shall be equitably based upon the distance traveled and the number of children from each family, or the board shall furnish transportation, or the equivalent in lodging if acceptable to the family; and when such transportation is furnished, the compulsory attendance law shall apply to all chil-

dren of school age living more than two and one-quarter miles and not to exceed six miles from school; provided, that the provisions for transportation shall not apply to deaf, blind and feeble minded children in this state, and this section shall not be construed to apply to parents, guardians, or other persons having control of any child or children of compulsory school age, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or children for certain religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for transportation of pupils.

Approved March 9, 1917.

CHAPTER 207.

[H. B. No. 112—Christinson.]

COUNTY AGRICULTURAL AND TRAINING SCHOOLS.

An Act to Amend and Re-enact Section 1456 of the Compiled Laws of the State of North Dakota for 1913, Relating to the Joint Maintenance by County and State of County Agricultural and Training Schools.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1456 of the Compiled Laws of the State of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows, to-wit:

§ 1456. JOINT MAINTENANCE BY COUNTY AND STATE.] After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinbefore provided. The Board of County Commissioners are hereby empowered and directed, annually, to levy and spread on the tax roll a sum sufficient to pay the county's share of the cost of maintenance; provided that not to exceed one-half of the yearly cost of maintenance shall be paid by the state, but the state's share of such maintenance shall not exceed the sum of Five Thousand (\$5,000) Dollars in any one year; it being the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this is not to prevent the county from levying a greater sum for maintenance, if deemed necessary; provided that the Board of County Commissioners may from time to time levy and spread upon the tax roll such additional sums of money for the erection and construction of additional buildings and improvements, or for the purchase of equipment, but levies for improvements or equipment shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section 1455.

Approved March 10, 1917.

CHAPTER 208.

[H. B. No. 149—McDonnell.]

COUNTY SUPERINTENDENT OF SCHOOLS.

An Act to Amend and Re-enact Section 1136 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the office of County Superintendent of Schools.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1136 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 1136. DEPUTIES. HOW APPOINTED. SALARIES.] In counties having fifty or more teachers under the supervision of the county superintendent, said superintendent may appoint an office deputy for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to fifty per cent of the county superintendent's salary.

The county superintendent may also appoint a field deputy for the first one hundred and fifty schools under his supervision, and one additional field deputy for each additional one hundred schools or major fraction of that number. Such field deputies shall be for the purpose of assisting the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the qualifications of the county superintendent of schools specified in Section 1122 of this chapter and shall receive a salary of two hundred (\$200.00) dollars per annum in excess of that paid to the office deputy. Provided, that when one or more school districts are discontinued in any county as a result of consolidation, or when school in any school building is or has been discontinued as a result of consolidation and the children usually attendant thereat are transported to another school in the same or adjoining district by the school authorities, then hereafter a field deputy, if any, shall be appointed on the basis of the number of schools before such consolidation, or discontinuance, was made.

Approved March 13, 1917.

CHAPTER 209.

[H. B. No. 81—Mackoff.]

EVENING SCHOOLS.

An Act to Provide for Evening Schools, where Necessary, for Adult and other Persons and to Appropriate Money Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The school board of any common, independent, special or consolidated school district or the school board for unorgan-

ized territory may, and upon the direction of the county or city superintendent of schools of the county or city in which any such district or territory may be situated, or upon the direction of the state superintendent of education, shall establish and maintain public evening school as a branch of the public schools, and such evening school when so maintained shall be available to all persons over sixteen years of age, who, from any cause, are unable to attend the public school of such district; and the branches taught at such evening school and the general conduct thereof shall be subject to the direction and control of the state superintendent of education.

§ 2. Whenever in any such district or in such unorganized territory there shall be residing ten or more adult persons or persons over sixteen (16) years of age who desire instruction in such evening school, it shall be the duty of such board to establish and maintain such evening school throughout a period of not less than three months of every school year, and for not less than two hours at least three times of each week during the term of such evening school, and in case of failure so to do the state superintendent of education may direct and require that such evening school be established and maintained.

§ 3. One half the salary of all teachers who teach in evening schools in common, independent, special, or consolidated school districts shall be paid by the state, which payment shall be made upon verified statements of account presented by the respective school districts and approved by the local superintendent of schools in all districts maintaining a state high school, or by the county superintendent of schools in the case of districts which do not maintain such state high schools.

§ 4. The sum of seven thousand Dollars (\$7,000.00) or as much thereof as may be necessary, is hereby appropriated out of any state funds not otherwise appropriated, for the purpose of carrying out the provisions of this act.

§ 5. REPEAL.] All acts and parts of acts in so far as they conflict with the provisions of this act are hereby repealed.

Approved March 10, 1917.

CHAPTER 210.

[S. B. No. 82—Stenmo.]

MEDICAL INSPECTION

An Act to Amend and Re-enact Section 1346 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 133 of the Session Laws of 1915, Relating to Medical Inspection of Pupils in Public Schools.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1346 of the Compiled Laws of 1913 as amended by Section 1 of Chapter 133 of the Session Laws of 1915, be amended and re-enacted to read as follows:

§ 1346. MEDICAL INSPECTION OF PUPILS IN PUBLIC SCHOOLS.] Upon being petitioned in writing by two-thirds of the school directors of the County the Board of County Commissioners shall employ one or more graduate nurses, or licensed physicians, duly registered and licensed to practice nursing or medicine under the laws of this state, to visit the schools in the county and to inspect and examine the pupils attending said schools. Provided, however, that pupils over twelve years of age shall be inspected and examined by a nurse or licensed physician of the same sex as such pupil only. The nurse, or physician, so appointed shall examine at least once annually all children enrolled in the public schools of the county, except those who present a certificate of health from a licensed physician, and such nurse or physician shall make out suitable records for each child, a copy of which shall be filed with the county superintendent of schools. Notice of physical defects or abnormalities of diseased or abnormal children shall be sent to the parents, with recommendations for the guidance of such parents in conserving the health of such child. The medical inspector thus appointed shall co-operate with State, County and Township Boards of Health in dealing with contagious or infectious diseases and in securing a medical treatment for abnormal or diseased, indigent children.

The School Board or Board of Education of any school corporation in the state may, and when petitioned by a majority of the persons having children attending the schools of the district, shall employ one or more nurses or physicians as medical inspectors of schools. The medical inspector thus appointed shall inspect and examine at least once annually all children enrolled in the public schools of the district, for which such inspector was appointed, except those who present a certificate of health from a licensed physician, and such inspector shall make out suitable records of each child examined, one copy of which shall be filed with the county superintendent of schools; but in districts within incorporated cities, one copy of such report shall be filed with the city superintendent of schools and one with the county superintendent of schools. Notice of physical defects or abnormalities of diseased or abnormal children shall be given to the parents as prescribed in the preceding paragraphs of this section, and such inspector shall co-operate with state, county and township boards of health in the manner provided in the preceding paragraph of this section herein.

It shall be the duty of the county superintendent of schools and city superintendents of schools to co-operate with school boards in promoting medical inspection. The county superintendent or the city superintendent may arrange schools by groups for the purpose of inspection. The county superintendent of schools shall advise school boards and county commissioners with a view of securing the most efficient and economical administration of the law. Where medical inspection is provided by the board of

education in incorporated cities, the board of education or the school board therein shall furnish all blanks and other needed supplies. When inspection is provided by the county commissioners for all rural and consolidated schools in the county, the county shall furnish the blanks and all necessary supplies. When medical inspection is provided by each school district separately, such district shall furnish the necessary blanks and supplies.

Approved March 9, 1917.

CHAPTER 211.

[S. B. No. 97—Lindstrom.]

NAMES OF SCHOOL DISTRICTS.

An Act Providing Method of Changing Names of School Districts.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The district school board of any school district in this state upon being petitioned so to do by a majority of the school voters residing in the district shall submit to the qualified voters at the next school election any proposed change in the name of such school district. Upon ratification of the proposed change in the name of the school district by a majority of the ballots cast on the question such school district shall be named accordingly. It shall be the duty of the clerk of the school board of such school district to notify the county auditor, the county superintendent and the state superintendent of public instruction of any change in the name of his school district.

Approved March 1, 1917.

CHAPTER 212.

[H. B. No. 86—Miller.]

RURAL SCHOOLS.

An Act to Amend and Re-enact Sections 1439, 1440, 1441, 1442, 1445, 1446 and 1448 of the Compiled Laws of 1913, Relating to the Administration of State Aid for Rural Schools as represented by the one-room, Graded and Graded Consolidated Schools.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Sections 1439, 1440, 1441, 1442, 1445, 1446 and 1448 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 1439. PURPOSE.] The chief purpose of this act shall be to aid and promote the consolidation and standardization of rural

(country) schools of the state, and thereby increase the efficiency of the entire school system.

§ 1440. CONSOLIDATED, GRADED, AND RURAL SCHOOLS MAY OBTAIN STATE AID.] Any public school in any common school district in the state, or any public school in any city, town or village, or any graded consolidated school in the state not entitled to aid as a state high school, but fully complying with the conditions of this Act relating to state graded and state graded consolidated schools, and any rural (country) school in any school district in the state not entitled to aid in any other class, but fully complying with the conditions of this Act relating to state rural schools may receive aid as hereinafter provided for state graded consolidated schools, state graded schools, and state rural schools; provided that schools receiving aid shall admit pupils from any part of the state without charging tuition.

§ 1441. CONDITIONS TO BE COMPLIED WITH BY STATE GRADED SCHOOLS IN ORDER TO OBTAIN AID.] State Graded Schools shall be of three classes, viz: First, second and third class. First Class: In order to be entitled to aid as a state graded school of the first class, such school shall for the school year next preceding that for which aid is granted have complied with the following conditions: First, it shall have maintained at least nine months' school. Second, it shall be well organized, having at least four departments taught by efficient teachers. The principal shall be a graduate of a standard normal school or shall have completed at least two years of school work above the high school course and shall hold the necessary professional certificate issued in this state and each department of such school shall be taught by a teacher who has completed at least four years of school work above the eighth grade and who holds at least a first grade elementary certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary closets and other necessary accommodations; library, and such other apparatus as is necessary to do efficient work. Fourth, such school shall follow the course of study prescribed for common schools, and shall include the first three years of a high school course, including one year each in domestic science and agriculture, as shall be prescribed by the state board of education, and shall comply with such additional rules as may be established by the state board of education. Second class: In order to be entitled to aid as a state graded school of the second class, such school shall have complied with the following conditions for the school year next preceding that for which aid is granted, viz: First, it shall have maintained at least nine (9) month's school. Second, it shall be well organized having at least three departments taught by efficient teachers. The principal shall be a graduate of a normal school or shall have completed at least two years of school work above a four-year high school course and shall hold the necessary professional certificate, issued in this state, and each department of such

school shall be taught by a teacher holding at least a first-grade elementary certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary closets, and other necessary accommodations; a library, and such other apparatus as is necessary to do efficient work. Fourth, such school shall follow the state course of study as prescribed for common schools and shall include the first two years of a high school course including one-half year each in domestic science and agriculture, as shall be prescribed by the state board of education, and shall comply with such additional rules as may be established by the state board of education.

Third Class: In order to be entitled to aid as a state graded school of the third class, such school shall have complied with the following conditions for the school year next preceding that for which aid is granted, viz: First it shall have maintained at least nine (9) months school. Second, it shall be well organized, having at least two departments taught by efficient teachers. The principal shall be a graduate of a normal school or shall have completed at least one year of school work above a four-year high school course and shall hold the necessary professional certificate, issued in this state, and each department of such school shall be taught by a teacher holding at least a first-grade elementary certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary closets, and other necessary accommodations; a library, and such other apparatus as is necessary to do efficient work. Fourth, such school shall follow the state course of study prescribed for common schools and shall include the first year of a high school course including one-third of a year each in domestic science and agriculture, as may be prescribed by the state board of education, and shall comply with such additional rules as may be established by the state board of education.

§ 1442. CONDITIONS FOR OBTAINING AID AS A STATE RURAL SCHOOL.] State Rural Schools shall be of three classes, viz: First, second, and third class. First class: In order to be entitled to aid as a state rural school of the first class, such school shall have complied with the following conditions during the school year next preceding that for which the aid is granted: First, such school shall have maintained at least nine (9) months' school. Second, it shall be taught by an efficient teacher who is a graduate of a normal school or who has completed at least one year of school work above a four-year high school course and who holds a professional certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary closets, and other necessary accommodations; a library, and other necessary apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such additional rules as may be established by the state board of education. Second

Class: In order to be entitled to aid as a state rural school of the second class, such school shall have complied with the following conditions for the school year next preceding that for which the aid is granted, viz: First, such school shall have maintained at least nine (9) month's school. Second, it shall be taught by an efficient teacher, holding at least a first-grade elementary certificate. Third it shall have a suitable school building properly lighted, heated and ventilated; sanitary closets and other necessary accommodations; library, and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such additional rules as may be established by the state board of education. Third Class: In order to be entitled to aid as a state rural school of the third class, such school shall have complied with the following conditions for the school year next preceding that for which aid is granted, viz: First, such school shall have maintained at least eight (8) months' school. Second, it shall be taught by an efficient teacher, holding at least a second-grade elementary certificate. Third, it shall have a suitable school building, properly lighted, heated and ventilated; sanitary and commodious out-houses, and other necessary accommodations; library and such other apparatus as is necessary to do efficient work. Fourth, such school shall have a regular and orderly course of study as prescribed in the state course of study for common schools, including elementary agriculture, and shall comply with such rules as may be established by the state board of education.

§ 1445. THE APPORTIONMENT. WHEN APPORTIONED. AMOUNT OF APPORTIONMENT.] Between the first and fifteenth of August in each year, the state board of education shall apportion such amounts as are appropriated to each of said state graded consolidated schools, the sums named in Section 1446 of this Act; to each of state graded schools which have fully complied with the provisions of this act and such additional rules as may be established by the state board relating to state graded schools, the sum of one-hundred dollars in each year to state graded schools of the first class, to state graded schools of the second class, a sum of seventy-five dollars; and to state graded schools of the third class, the sum of fifty dollars; and the board shall apportion to each of the state rural schools which have fully complied with the provisions of this act and such additional rules as may be established by the board relating to state rural schools, the sum of fifty dollars in each year to each rural school of the first class, to each state rural school of the second class, the sum of forty dollars, and to each state rural school of the third class, a sum of thirty dollars; provided that in any district where the tax rate for the preceding year is fifteen mills and less than twenty-five, these amounts shall be doubled for each class of school, and that in any district where the tax rate of the preceding year is twenty-five mills or greater,

these amounts shall be trebled. These several amounts shall be paid by the state treasurer on the warrant of the state auditor when duly certified and filed with the state auditor by the superintendent of public instruction. Provided also that in case the amount apportioned shall not be sufficient to pay the amount specified, then the amount available shall be apportioned pro rata among the schools entitled thereto. Provided further that the state board of education shall furnish to each state rural school, each state graded school and each state graded consolidated school a certificate of standardization and a metal plate designating the rank of such schools, the same to be paid for from the appropriation for these schools.

§ 1446. AID TO CONSOLIDATED SCHOOLS. CONSOLIDATED SCHOOLS DEFINED.] Any consolidated school meeting the requirements for the state graded school of the first class shall receive aid in the sum of four hundred dollars, any consolidated school meeting the requirements for the state graded school of the second class shall receive aid in the sum of three hundred fifty dollars, and any consolidated school meeting the requirements for a state graded school of the third class shall receive aid in the sum of three hundred dollars; provided that in any district where the tax rate for the preceding year is fifteen mills and less than twenty-five, each school shall receive double the amount named here, and that where the tax rate for the preceding year is twenty-five mills or more, each school shall receive treble the amount. It is provided further that a consolidated school here and elsewhere in the law is one where at least two teachers are employed and at least eighteen contiguous sections are served, without regard to the manner of its formation.

§ 1448. ADVANCEMENT OF RURAL, GRADED, OR GRADED CONSOLIDATED SCHOOLS TO HIGHER CLASSES.] When any state graded school, state graded consolidated school, or state rural school in this state attains such degree of proficiency as to satisfy a state inspector of rural and consolidated schools that it has the qualifications necessary to entitle it to be advanced to the higher class, such inspector may recommend the same to the state board of education for such advancement. If the state board is satisfied that such school has complied with all the requirements to entitle it to promotion, said board at any regular meeting shall raise it as recommended.

Approved March 10, 1917.

CHAPTER 213.

[S. B. No. 33—Drown.]

SCHOOL DISTRICT BOUNDARIES.

An Act to amend Section 1146 of the Compiled Laws of North Dakota for 1913, Relating to Changing of School District Boundaries.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1146 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 1146. BOUNDARIES, HOW CHANGED.] The Board of County Commissioners and County Superintendent of Schools upon being petitioned so to do by a majority of the school voters residing in the districts whose boundaries will be affected, shall submit to the qualified voters at the next annual school election any proposal to change the boundaries of any school district or to consolidate two or more districts already organized. Upon ratification of the proposed change of boundaries the County Commissioners shall arrange the boundaries as directed.

Approved March 1, 1917.

CHAPTER 214.

[H. B. No. 304—Eckert.]

SCHOOL OF MINES.

An Act Providing Funds for the School of Mines for Necessary Equipment and the Work and Maintenance of the Investigations and Tests of the Clays of the State to Show Their Value and Methods of Utilization for Industrial Purposes and Making an Appropriation therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] For the purpose of providing at the School of Mines, necessary equipment and material and for the work and maintenance of the investigations and tests of the clays of the state to prove in a practical way, their special fitness for a variety of industries, there is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of four thousand dollars for the biennial period of 1917-1918.

§ 2. EMERGENCY.] Whereas, it is necessary for the immediate preservation of peace, health and safety that this act shall become effective without delay for the following reasons, to-wit: that there is demand that the necessary material and equipment be provided for carrying out the purposes of this act before July 1st, 1917, and there are now no funds provided for these purposes; therefore, this act shall become and be in force and effect immediately upon its passage and approval.

Approved March 13, 1917.

CHAPTER 215.

[S. B. No. 250—Wenstrom.]

TEACHERAGES.

An Act Providing for the Building of Teacherages.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] The school board in any district where two or more schools have consolidated, is hereby empowered to build and equip a dwelling for the use of teachers in such district, the same to be known as a teacherage, and provided, that when petitioned by a majority of the voters of the district asking for the erection of such teacherage, it shall be the duty of the school board to provide such teacherage without unnecessary delay.

Approved March 9, 1917.

SODA FOUNTAINS

CHAPTER 216.

[H. B. No. 380—Prater.]

SODA FOUNTAINS.

An Act to Regulate the Installation and Operation of Soda Fountains, and requiring the Owners and Lessees of all Soda Water Fountains to Register same with the Food Commissioner and State Chemist.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. All soda water fountains in this state before they are operated shall be installed according to the specifications to be prescribed by the food commissioner and state chemist of this state, who shall, upon the proper installation of such soda water fountain, issue an annual permit for its operation.

§ 2. The food commissioner and state chemist is hereby authorized and required to formulate such rules and regulations for the installation and operation of soda water fountains as may be necessary to meet the requirements of the food, drug and sanitary laws of the state of North Dakota.

§ 3. To obtain such permit the owner or lessee of each soda water fountain shall in the month of December for the succeeding year make application to the food commissioner and state chemist for such permit, and shall give to such food commissioner and state chemist the information required by him regarding the installation of such fountain, and shall pay to such food commissioner and state chemist with such application the sum of \$10.00, which sum shall, if the application be granted, be paid to the state

treasurer of North Dakota and be paid into the general fund of the state.

§ 4. The food commissioner or state chemist, or his deputy or agent, has the right at any and all times to inspect the installation and operation of all soda water fountains in this state, and if such are not installed and operated according to the rules laid down by such food commissioner and state chemist, the inspecting officer has the right to cancel the permit granted for the installation and operation for such fountain.

§ 5. PENALTY.] The penalty for the violation of any of the provisions of this act or the failure to register any soda water fountain as herein before provided shall be a misdemeanor, and upon conviction thereof the owner or lessee shall be required to pay not less than \$10.00 nor more than \$50.00 with cost, or be imprisoned in the county jail not less than ten or more than thirty days.

Approved March 12, 1917.

SPECIAL ADMINISTRATOR

CHAPTER 217.

[S. B. No. 112—Sandstrom.]

APPOINTMENT OF SPECIAL ADMINISTRATOR IN CERTAIN CASES.

An Act Providing for the Appointment of a Special Administrator for the Purpose of Releasing a Mortgage or Judgment against a Deceased Person which has been Satisfied but not Discharged of Record.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Whenever it shall appear, by affidavit or verified petition, to the county court that an inhabitant of such county has died, leaving no debts unpaid or that his estate has been fully settled and the executor or administrator thereof has been discharged, and that any mortgage or judgment in favor of such deceased person remains undischarged of record or any other act remains unperformed on the part of such person the performance of which affects or is of importance to petitioner or any other person, the court may appoint a special administrator for the purpose of releasing and discharging such mortgage or judgment of record or performing such other acts as may be deemed necessary in the premises. The county court may in its discretion fix the amount of the bond of such special administrator, which in no case shall exceed twice the value of the property in question, and if it appears that the property is of no value and that it is only

necessary to discharge the lien of record the court need not require any bond.

§ 2. COMPENSATION.] The compensation of such special administrator shall not exceed the sum of ten dollars, to be determined by the county court, and shall be paid out of the assets of such deceased person, provided, however, that should there be no assets, then the costs shall be paid by petitioner.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1917.

STATE BOARD OF REGENTS

CHAPTER 218.

[H. B. No. 362—Blanchard.]

BOARD OF REGENTS—DISBURSEMENTS OF APPROPRIATIONS.

An Act to Amend and Re-enact Section 1816 of the Compiled Laws of North Dakota for 1913; Prescribing the Manner of Payment of Appropriations for the State Educational Institutions for Maintenance and Other Purposes; and Defining the Powers and Duties of the Board of Regents so far as they may Pertain to the Disbursements of Appropriations.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT AND RE-ENACTMENT.] Section 1816 is hereby amended to read as follows, and re-enacted:

§ 1816. MANNER OF PAYMENT OF APPROPRIATIONS. DUTIES AND POWERS OF STATE BOARD OF REGENTS.]

§ 2. A proper officer, to be designated by the State Board of Regents for each educational institution, shall prepare two separate monthly statements showing: First, the pay roll, and second, the purchases and expenditures of every kind of the preceding month, which shall be signed by such officer, approved by the chief executive officer of the institution, and filed with the State Board of Regents on a date fixed by the said Board. Attached thereto shall be the affidavit prescribed by Section 274 of the Compiled Laws of 1913. If any invoice or statement, or any part thereof is found objectionable, the board shall endorse its disapproval thereon, with its reasons therefor, and return it to the management of the institution, and when the matter complained of is corrected, said statement and invoice shall be returned to the board.

§ 3. The monthly statements so made and verified shall be forwarded to the State Board of Regents, together with the original invoices of the purchases and a complete itemized statement of

every expense of said institution, including the certified pay roll, for the examination and audit and approval of the State Board of Regents. When the said accounts are audited, the proper institutional officer shall prepare an abstract in quadruplicate each month, or at other times, for each educational institution, showing the name and amount due each claimant and the fund out of which such payment shall be made. One copy of such abstract shall be kept on file in the office of the State Board of Regents, one copy of such abstract shall be filed with the State Auditor, one shall be retained by the institutional officer and a fourth filed with the local treasurer. Upon receipt of such certified abstract the state auditor shall issue a check through the State Board of Regents, for the total amount, to the institution treasurer, to be paid out of such treasury in a manner to conform to the rules of business prescribed by the Board of Regents.

§ 4. All specific appropriations for the educational institutions, other than those for maintenance, shall be paid by the state auditor as he may be directed by the state Board of Regents, according to the provisions of the preceding paragraph.

§ 5. All appropriations for the maintenance or fixed annual or biennial appropriations of the state educational institutions becoming effective on July 1st, 1917, or thereafter, shall be paid in equal monthly installments by the State Auditor on the Abstract of the State Board of Regents, or its secretary, through the board to the institutional treasurers. If the appropriation be for the biennial period, 1-24 of the total appropriation shall be paid each month; if the appropriation be for an annual period, the monthly payment shall be 1-12 of the total annual appropriation, provided, however, that the state auditor may on the order of the State Board of Regents pay more than the monthly allowances with the permission of the governor and the state treasurer, whose approval must appear on the abstract calling for such an increased monthly payment, provided, further, that in no period of 12 consecutive months shall the total payments exceed the total appropriation for maintenance for one year.

§ 6. It shall be the duty of the state auditor to make, through the State Board of Regents to the Treasurers of the educational institutions under its control, regular quarterly payments of accrued interest and income from the state school fund on the first of January, April, July and October of each year.

§ 7. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 10, 1917.

STATE EXAMINER

CHAPTER 219.

[S. B. No. 157—Martin.]

STATE EXAMINER—DEPUTIES AND EMPLOYEES.

An Act Regulating the Number of Deputies and other Employees in the office of the State Examiner, and the manner of dividing the State into Districts for the Purpose of Facilitating the Work in the State Examining Department.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPOINTMENT OF DEPUTIES.] The state examiner may, subject to the approval of the state banking board, appoint and at pleasure remove, not more than thirteen deputy examiners, one reconciliation clerk, one stenographer and such other employees as may in the judgment of the state banking board, be necessary for the proper discharge of the business of his department. Each deputy examiner shall give bond to the state in the sum of \$10,000 to be approved and filed in the same manner as the bond of the state examiner. The state examiner shall select and designate one of said deputy examiners to be the office deputy and to act during the absence or disability of the state examiner, and in such cases the deputy examiner so authorized shall have charge of the office and administer its affairs. Eight of the said deputy examiners so appointed shall have had at least three years active experience in bank work within this state and shall furnish such evidence of qualification as expert accountants and general fitness for the duties as may be demanded by the banking board.

§ 2. DISTRICTS. HOW DIVIDED.] For the purpose of the better administration of his department the state examiner shall, immediately after the taking effect of this act, proceed to divide the state into eight districts which shall have as nearly as may be, banks and other financial institutions of an equal number, and arranged with reference to convenience and economy in travel and shall at once designate the district in which each of his eight examiners shall make examinations, and such deputy examiners shall confine their work, as nearly as may be, to the examination of corporations located within their respective districts, except that any such deputy examiner may be temporarily transferred to other districts, or more than one deputy examiner may be assigned temporarily to any district when the proper performance of the work therein would indicate the necessity for so doing. No deputy examiner shall have any interest directly or indirectly in any corporation within the jurisdiction of the banking depart-

ment, nor in any corporation engaged wholly or in part in the writing or issuing of bonds of or for any such corporation or of the officers or employees of any such corporation.

§ 3. SALARIES.] The salary of the office deputy shall be twenty-five hundred dollars per annum, and the salary of each other deputy two thousand dollars per annum and in addition thereto he shall be paid his actual and necessary traveling expenses when engaged in the discharge of his duties; the salary of the reconciliation clerk shall be fifteen hundred dollars per annum; salary of the stenographer shall be twelve hundred dollars per annum and the salaries of other clerks or assistants herein provided for, shall be fixed by the State Banking Board.

§ 4. REPEAL.] All acts or parts of Acts in so far as they conflict with the provisions of this Act are hereby repealed.

Approved March 10, 1917.

CHAPTER 220.

[H. B. No. 335—Fredrickson.]

FEES OF STATE EXAMINER.

An Act to Amend and Re-enact Section 3134 of the Compiled Laws of the State of North Dakota of 1913.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 3134 be amended and re-enacted to read as follows:

§ 3134. FEES. PAYMENT.] For making such installation and examination such firm, association, co-partnership or corporation shall pay the examiner a fee of ten dollars per day for each day, or fraction thereof, that the examiner is absent from the capitol for the purpose of making such examination, plus his actual traveling and hotel expenses, together with the actual cost of such books and blanks as may be necessary for the installation of a complete system of uniform accounting; and in case any such firm, association, co-partnership or corporation shall wrongfully refuse or neglect to pay such fees then the railroad commission may in its discretion cancel the license to do business of such firm, association, co-partnership or corporation.

All such fees shall be paid into the state treasury and used for the purpose of paying the expenses incurred under the provisions of this act. Such expenses shall be audited and paid in the same manner as other expenses are audited and paid.

Approved March 12, 1917.

SUNDAY

CHAPTER 221.

[S. B. No. 294—Lindstrom.]

OPERATION OF BATH HOUSES.

An Act to Permit the Operation of Bath Houses, Bathing Beaches and Pleasure Boats by Chautauquas, Summer Resorts, Firms, Corporations and Private Persons on Sundays and Repealing the Provisions of all Acts in Conflict Therewith.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] It shall be lawful for chautauqua associations, summer resorts, firms, corporations, and private persons to operate bath houses, bathing beaches, or pleasure boats of all kinds on Sundays.

§ 2.] All acts, or sections of acts, in so far as they are in conflict or inconsistent with this act, are hereby repealed.

Approved March 8, 1917.

CHAPTER 222.

[S. B. No. 81—Lindstrom.]

SABBATH BREAKING.

An Act to Amend and Re-enact Sections 9236, 9240 and 9242 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Sabbath Breaking.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 9236 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 9236. All manner of servile labor on the first day of the week is prohibited, excepting works of necessity and charity, provided however that the operation of steam railroads, street railways, telegraph and telephone systems, electric light, gas, heat and power systems, livery and feed barns, hacks, taxi cabs and busses, automobile garages and supply stations, bakeries, boot-black stands, pop-corn stands and newspaper plants shall be deemed and are construed to be works of necessity.

§ 2. AMENDMENT.] That Section 9240 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 9240. All manner of public selling or offering or exposing

CHAPTER 225.

[H. B. No. 280—O'Connor.]

WRITS OF ERROR.

An Act Providing for Writs of Error, and Granting to the Supreme Court Power to Prescribe Rules Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The Supreme Court of the State of North Dakota shall have authority to prescribe rules for the issuance of Writs of Error to inferior courts of this state, to enforce the due administration of justice in all matters within its jurisdiction.

§ 2. The authority of the said Supreme Court to so provide for Writs of Error shall be in addition to the provisions of law now existing applicable to appeals.

Approved March 10, 1917.

SWINDLING

CHAPTER 226.

[H. B. No. 126—Tenneson.]

SWINDLING.

An Act Defining the crime of swindling; prescribing a punishment therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SWINDLING DEFINED. PUNISHMENT.] Every person who, by means of three card monte, so called, or of any other form or device, sleight-of-hand, or other means, by use of cards, or instruments of like character, or by any other instrument, trick, device or artifice, obtains from another person any money or other property of any description, shall be deemed guilty of the crime of swindling, and shall be fined not less than one hundred dollars nor more than five hundred dollars or punished by imprisonment in the county jail for not less than thirty days nor more than one year, or by both such fine and imprisonment in the discretion of the trial court; and every person aiding, encouraging, advising or confederating with, or knowingly harboring or concealing any such person, or in any manner being accessory to the commission of the above described offense, and all persons who shall confederate together for the purpose of playing such games, or obtaining money by the means aforesaid, and any person who shall encourage, solicit or procure any other person to deliver to any third person any money or property, the person so encouraging, soliciting or pro-

curing another as aforesaid, or aiding, assisting or abetting another in the use of such means, shall be deemed principals therein and guilty of the crime of swindling and punished as hereinbefore provided.

Approved March 12, 1917.

TAXES

CHAPTER 227.

[S. B. No. 52—McBride and Hemmingsen.]

REVENUE AND TAXATION—ABATEMENT OF TAXES.

An Act to Amend and Re-enact Sections 2165 and 3646 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Revenue and Taxation, and the Abatement of Taxes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2165 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2165. ABATEMENT OF TAXES, HOW MADE.] The board of county commissioners may, upon application and affidavit or other evidence, when satisfied beyond a doubt as to the illegality or unjustness of the assessment, or in case of error, abate in whole or in part taxes, whether real or personal; (1) Provided, however, that application therefor shall be submitted to it with a statement of the facts in the case, but no reduction, abatement or refundment of any special assessment made or levied by any municipality for local improvements shall be made unless it is also approved by the board of review or similar taxing authority of such municipality, and (2) provided further, that before any abatement or reduction of any assessment of taxes shall be made, the application and all records, or a certified copy thereof shall be filed with the tax commission, and such abatement or reduction shall also receive favorable action by said tax commission.

Full record of such abatement must be made, showing the reason for their action, and the county auditor shall certify such abatement to the county treasurer, who shall enter such facts opposite the tax so abated, which shall have the effect of discharging the amount of tax so abated. And whenever taxes on any real estate remain unpaid and such property has not been sold to any purchaser other than the county, by reason of depreciation in value or other cause, the board of county commissioners may compromise with the owner of such property by abating a portion of such delinquent taxes on payment of the remainder. The

county auditor shall make out a certified statement of the amount of state taxes so abated which statement shall be forwarded to the state auditor, who shall give the county credit for the amount so abated.

§ 2. AMENDMENT.] That Section 3646 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 3646. DUTY OF CITY AUDITOR.] Within ten days after the completion of the equalization of the assessment as herein provided, the city auditor shall deliver the same to the county auditor of the county in which such city is situated, with his certificate that the same is correct as equalized by said board of equalization, and the same shall be accepted by the board of county commissioners of such county in lieu of all other assessment rolls for said property in said city, and the board of equalization of such county may increase or diminish the valuation therein placed on any class of property so as to make such valuation uniform with the valuation of the same class of property throughout such county, but no individual assessment shall be otherwise changed, except upon compliance with section 2165 of this Code, and a failure of any county or city board or equalization to hold its meetings, shall not vitiate or invalidate any assessment or tax except as to the excess of valuation, or tax thereon, shown to have been unjustly made or levied.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1917.

TAXATION

CHAPTER 228.

[H. B. No. 163—Sandbeck.]

MANNER OF LISTING PROPERTY FOR TAXATION.

An Act to Amend and Re-enact Section 2093 and 2123 of the Compiled Laws of North Dakota for the year 1913, Relating to the Manner of Listing Property for Taxation purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2093 of the Compiled Laws of North Dakota for the year of 1913 be amended and re-enacted to read as follows:

§ 2093. LISTING OF PROPERTY.] All personal property subject to taxation shall be listed and assessed every year, according to its value on the first day of April preceding the assessment. All real property, subject to taxation shall be listed every odd numbered

year, according to its value on the first day of April preceding the assessment and shall be assessed annually upon said enlistment made in the odd numbered year. Provided, that when any real property has not heretofore been taxable shall become taxable in any even numbered year, or shall have escaped taxation it shall be the duty of the assessor to place such property upon the tax list in such even numbered year and make his return thereon.

§ 2. AMENDMENT.] That Section 2123 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2123. AUDITOR TO FURNISH BOOKS. REAL PROPERTY. MEETING OF ASSESSORS. COMPENSATION OF ASSESSORS.] The county auditor shall annually provide the necessary books and blanks at the expense of the county for and to correspond with each assessment district or township. He shall in every odd numbered year make out in the real property assessment book a complete list of all lands or lots subject to taxation. Said list shall show the name of the owner, if to him known and if unknown so state, the number of acres and lots and parts of lots or blocks included in each description. The assessment books and blanks shall be in readiness for delivery to the assessors on or before the second Wednesday in April of each year. All of the assessors in each county shall meet at the office of the county auditor at such date, or prior to the second Wednesday in April each year, as shall be designated by the county auditor, and for which meeting previous notice shall be given by said auditor, which meeting shall be for the purpose of receiving such books and blanks and for conference with the auditor in reference to the performance of their duties. Said assessors shall each be allowed for the time they are necessarily employed in attending said meeting the sum of four dollars per day and five cents per mile for the distance necessarily traveled in attendance at such meeting.

Approved March 9, 1917.

CHAPTER 229.

[H. B. No. 25—Dettler.]

REVENUE AND TAXATION.

- An Act to Amend and Re-enact Section 2095 of the Compiled Laws of North Dakota for the year 1913, Relating to Revenue and Taxation, and Fixing the Situs of Personal Property for Tax Purposes.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2095 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2095. FIXING SITUS AND LIST AND TAXATION OF PERSONAL PROPERTY.] Except as otherwise provided in this chapter, per-

sonal property shall be listed and assessed in the county, town or district where the owner or agent resides; the capital stock and franchises of corporations and persons shall be listed in the county, town or district where the principal office or place of business of such corporation or person is located in this State; and if there be no principal office or place of business in this state where such corporation or person transact business, then personal property pertaining to the business of a merchant or manufacturer or corporation shall be listed in the town or district where his business is carried on. The taxation and revenue laws of this State shall apply with equal force to any person or persons representing in this state business interest that may claim domicile elsewhere, the intent and purpose being that no non-resident, either by himself or through any agent shall transact business within the State without paying to the state a corresponding tax with that exacted of its own citizens; and all bills receivable, obligations or credits arising from business done in this state are hereby declared assessable within this State, and at the business domicile of said non-resident, his agent, or representative; provided, however, no insurance company paying the State a percentage of its gross premiums received in the State shall be subject to the provisions of this act.

Approved March 1, 1917.

CHAPTER 230.

[S. B. No. 55—Porter and Pendray.]

TAXATION OF PERSONAL PROPERTY.

An Act Relating to the Taxation of Personal Property known as Money and Credits and Providing for the Assessment of the Same; Prescribing the Manner of Making such Assessment and Providing Penalty for the Failure to List such Personal Property; Fixing a Rate and Providing for the Distribution of such Tax and prescribing the Duties of Public officers with Relation Thereto.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEFINITION. TAX RATE.] "Money" and "credits" as the same are defined in Section 2074 of the Compiled Laws of 1913, including bonds and stocks, are hereby exempted from taxation other than that imposed by this Act, and shall hereafter be subject to an annual tax of three mills on each dollar of the fair cash value thereof. But nothing in this Act shall apply to money or credits belonging to incorporated banks or building and loan associations situated in this state, nor to any indebtedness on which the tax is paid under a mortgage registration act, or is exempted by statute.

§ 2. HOW LISTED.] All "money" and all "credits" taxable under this Act shall be listed in the manner provided in Section 2095 of the Compiled Laws of 1913, but such listing shall be upon a separate blank from that which other personal property is listed.

§ 3. NOTICE BY ASSESSOR. LIST.] Before making an assessment of "money" and "credits" under this Act the assessor shall give seasonable notice to the property owners of his district in the manner prescribed in Section 2127 and 2128 of the Compiled Laws of 1913. He shall require each individual, co-partnership, company, association or corporation in his district to bring in before a date therein specified and not later than the first day of July, a true list of all their "money" and "credits" taxable under this Act.

§ 4. TAX COMMISSION TO PREPARE INSTRUCTIONS. FORM OF RETURN. BLANKS.] The North Dakota Tax Commission shall annually prepare instructions for bringing in the list required by the preceding section. They shall prepare and distribute through the county auditors to the assessors, a form for the returns which the taxpayers are required to make by this Act, and this form shall be printed on a separate sheet, and shall be entirely distinct from the forms prepared for the returns of other classes of property. This form shall require the taxpayers to make a return of the total amount of his "money" and "credits" taxable under this Act. The North Dakota Tax Commission shall cause to be printed and shall furnish the county auditors for the use of the assessors blank lists for the return of property taxable under this Act, and the assessor shall distribute a blank list to every person liable to taxation.

§ 5. LIST TO BE UNDER OATH. INSPECTION. PENALTY FOR UNAUTHORIZED DISCLOSURE.] The assessor shall in all cases require a person bringing in a list to make oath that it is as nearly correct as he is able to make it and this oath shall be attached to and be a part of such list. Such list shall be open to the inspection of the assessor, county auditor, and their deputies, the board of review, and the board of equalization and the members of the North Dakota Tax Commission, but the details of the lists made by taxpayers shall be disclosed to no other person except by order of court, and any assessor or other person who shall disclose such details shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars. The lists shall be delivered by the assessor to the county auditor and by him preserved in confidence in harmony with the provisions of this Act.

§ 6. WHEN TO BE RECEIVED AS TRUE.] The assessors shall receive as true except as to valuations, the list brought in by each person, unless on being thereto required by the assessor he refuses to answer on oath all reasonable and necessary inquiries as to the nature and amount of his property taxable under the provisions of this Act.

§ 7. FAILURE TO LIST. ASSESSOR TO ESTIMATE. PENALTY.] The Assessor shall ascertain as nearly as possible the particulars of the personal estate subject to taxation under this Act, of any person who has not brought in such list, and shall estimate its just value according to his best information and belief. He shall also

add thereto, fifty per cent of the estimated value of such property as a penalty; and such estimate, with the penalty of fifty per cent, shall be entered in the valuation books, and shall be conclusive upon any person who has not seasonably brought in a list of his estate, unless he can show reasonable excuse for the omission. Provided that no such penalty shall be added until the person liable to such penalty, has been given ten days' notice thereof, and at the expiration of said ten days, such person shall be given a hearing thereon if he appears and so demands.

§ 8. **ESTIMATE. HOW MADE. ERROR.]** In making such estimate, the assessor shall specify the amount of "money" and "credits" separately and shall enter the same upon the books furnished under the provisions of Section 10, of this Act. An error or over-estimate, or either, shall not be taken in account in determining whether a person is entitled to abatement, but only the aggregate amount of such estimate.

§ 9. **WHAT AMOUNT ASSESSABLE. CHANGE OF DOMICILE. DUTIES OF ASSESSORS.]** After property taxable under the provisions of this Act has been legally assessed to any person, including any executor, administrator, trustee, company or corporation, an amount of not less than that last assessed by the assessor of such district in respect of such property shall be deemed to be the sum assessable, until a true list of such property is brought in to the assessor in accordance with the provisions of Section 3 of this Act. When a person liable to be taxed for personal property included within the provisions of this Act, changes his domicile, the assessor of the district to which he removes shall assess him for an amount not less than that for which he was assessed in the district from which he removed, until he filed the list required by Section 3, of this Act. The duties of assessors under this section shall be the same as prescribed in Section 2106 of the Compiled Laws of 1913, and whoever neglects to perform any duty imposed upon him by this section shall be guilty of a misdemeanor.

§ 10. **PROPERTY TO BE LISTED IN SEPARATE BOOK. WHAT SHALL BE SHOWN. DUTIES OF ASSESSORS AND AUDITOR.]** Property taxable under this Act shall not be included in the valuation list which assessors are required to make under the provisions of Section 2135 of the Compiled Laws of 1913, but shall be listed in a separate book or in a supplement to the regular assessment book which the county auditor shall provide for each assessor on or before the first day of May each year, and that the valuation of property included in this Act shall not be added to the valuation of property as provided for in Section 2135, nor for the purpose of fixing salaries or clerkhire, making tax levies or fixing debt limits. The book supplement shall show the total amount of "money" and "credits" assessed to each taxpayer under the provisions of this Act, and shall not disclose further details of his assessment. It shall contain also a summary showing the number of individuals, firms, associations and trustees, assessed for such property and the

total amount of "money" and "credits" taxable under the provisions of this Act. When making the returns to the county auditor provided for by Section 2135 of the Compiled Laws for 1913, the assessor shall file with the county auditor the valuation book, or supplement, together with the summary of the same and the listing blanks filled out by each taxpayer assessed under the provisions of this Act.

The county auditor, when compiling the returns of assessors, shall include, under a separate heading the aggregate assessment in each district of property assessed under the provisions of this Act.

§ 11. REVIEW OF EQUALIZATION.] The assessment under this Act shall be reviewed and equalized the same as the assessment of other personal property is reviewed and equalized.

§ 12. AUDITOR TO COMPUTE TAXES. LIST. COLLECTION.] The county auditor of each county shall compute the taxes under this Act each year against each individual, co-partnership, company, association or corporation and he may include such tax on the personal property tax list with the other personal property tax levied against such individual, co-partnership, company, association or corporation where the assessment is made.

The tax levied under this Act shall be collected by the county treasurer, or sheriff, the same as other personal property taxes are collected.

§ 13. APPORTIONMENT OF RECEIPTS.] All taxes paid to the county treasurer under the provisions of this Act shall be apportioned, one-sixth to the general fund of the state of North Dakota, one-sixth to the county general fund, one-third to the general fund of the city, village or township and one-third to the general fund of the school district in which the property is assessed, provided that in unorganized townships the amount of the tax apportioned to such unorganized township shall be paid into the general fund of the county.

§ 14. REPEAL.] All Acts and parts of Acts insofar as they are in conflict with the provisions of this Act, are hereby repealed.

Approved March 9, 1917.

CHAPTER 231.

[S. B. No. 227—Allen.]

TAXATION.

An Act Providing for the Taxation of Inheritance Devises, Bequests, Legacies, and Gifts and Fixing the Rate thereof, and Providing for the Manner of Payment and Manner of Enforcing the Payment Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TAX ON TRANSFERS, EXCEPTIONS.] A tax shall be and is hereby imposed upon any transfer of property, real, personal, or mixed, or any interest therein, or income therefrom in trust or otherwise, to any person, association or corporation, except county, town or municipal corporations within the state, for strictly county, town or municipal purposes, and corporations of this state organized under its laws solely for religious, charitable or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization, within the state, in the following cases, except as hereinafter provided:

1. By a Resident of State. When the transfer is by will or by the interstate laws of this state from any person dying possessed of the property while a resident of the state.

2. Non-Resident's Property within State. When a transfer is by will or interstate law, of property within the state or within its jurisdiction and the decedent was a non-resident of the state at the time of his death.

3. In Contemplation of Death. When the transfer is of property made by a resident or by a non-resident when such non-resident's property is within the state or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale, or gift, made within six years prior to the death of the grantor, vendor, or donor, of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without an adequate valuable consideration, shall be construed to have been made in contemplation of death within the meaning of this section.

4. When Imposed. Such tax shall be imposed when any such person or corporation becomes beneficially entitled, in possession or expectancy to any property or the income thereof by any such transfer whether made before or after the passage of this Act.

5. Transfer Under Power of Appointment. Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this Act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this

Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and has been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

6. On Clear Market Value. The tax so imposed shall be upon the clear market value of such property at the rates hereinafter prescribed and only upon the amount in excess of the exemptions hereinafter granted.

§ 2. PRIMARY RATES, WHERE NOT IN EXCESS OF \$25,000.] When the property of any beneficial interest therein passes by any such transfer where the amount of the property shall exceed in value the exemption hereinafter specified and shall not exceed in value twenty-five thousand dollars the tax hereby imposed shall be:

1. One Per Centum, Where. Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue; lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this state, or any child to whom such decedent for not less than ten years prior to such transfer stood in the mutually acknowledged relation of a parent, provided, however, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per centum of the clear value of such interest in such property.

2. One and One-half Per Centum, Where. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister or a descendant of a brother or sister of the decedent, a wife or widow of a son, or the husband of a daughter of the decedent, at the rate of one and one-half per centum of the clear value of such interest in such property.

3. Three Per Centum, Where. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

4. Four Per Centum, Where. Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother or a descendant of the brother or sister of the grandfather or grandmother of the

decedent at the rate of four per centum of the clear value of such interest in such property.

5. Five Per Centum, Where. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

§ 3. OTHER RATES. WHERE IN EXCESS OF \$25,000.] The foregoing rates in Section 2 are for convenience termed the primary rates.

Where the amount of the clear value of such property or interest exceeds twenty-five thousand dollars, the rates of tax upon such excess shall be as follows:

1. Rate, Where Amount \$25,000 to \$50,000. Upon all in excess of twenty-five thousand dollars and up to fifty thousand dollars one and one-half times the primary rates.

2. Rate Where Amount \$50,000 to \$100,000. Upon all in excess of fifty thousand dollars and up to one hundred thousand dollars, two times the primary rates.

3. Rate Where Amount \$100,000 to \$500,000. Upon all in excess of one hundred thousand dollars and up to five hundred thousand dollars, two and one-half times the primary rates.

4. Rate Where Amount over \$500,000. Upon all in excess of five hundred thousand dollars, three times the primary rates.

§ 4. EXEMPTIONS DEFINED. FROM FIRST \$25,000.] The following exemptions from the tax, to be taken out of the first twenty-five thousand dollars, are hereby allowed.

1. Transfers Totally Exempt. All property transferred to municipal corporations within the state for strictly county, town or municipal purposes, or to corporations of this state organized under its laws solely for religious, charitable, or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the state shall be exempt.

2. \$10,000; \$2,000 Exempt, When. Property of the clear value of ten thousand dollars transferred to the husband or wife of the decedent, and two thousand dollars transferred to each of the other persons described in the first sub-division of Section 2 shall be exempt.

3. \$500 Exempt, When. Property of the clear value of five hundred dollars transferred to each of the persons described in the second sub-division of Section 2 shall be exempt.

4. \$250 Exempt, When. Property of the clear value of two hundred and fifty dollars transferred to each of the persons described in the third sub-division of Section 2 shall be exempt.

5. \$150 Exempt, When. Property of the clear value of one hundred and fifty dollars transferred to each of the persons described in the fourth sub-division of Section 2 shall be exempt.

6. \$100 Exempt, When. Property of the clear value of one hundred dollars transferred to each of the persons and corporations described in the fifth sub-division of Section 2 shall be exempt.

7. Property Without the State Exempt, When. No tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without this state, and when the transfer of such property is subject to an inheritance or transfer tax in the state where located and which tax has actually been paid, provided such property is not without this state temporarily nor for the sole purpose of deposit or safe-keeping; and provided the laws of the state where such property is located allow a like exemption in relation to such property left by a resident of that state and located in this state.

§ 5. WHEN TAX DUE. TO BE A LIEN.] All taxes imposed by this Act shall be due and payable at the time of the transfer, except as hereinafter provided; and every such tax shall be and remain a lien upon the property transferred until paid, and the person to whom the property is transferred and the administrators, executors, and trustees of every estate so transferred shall be personally liable for such tax until its payment.

§ 6. COUNTY TREASURER'S RECEIPTS.] The tax shall be paid to the treasurer of the county in which the county court is situated having jurisdiction as herein provided; and said treasurer shall make duplicate receipts of such payment, one of which he shall immediately send to the state treasurer, whose duty it shall be to charge the county treasurer so receiving the tax, with the amount thereof, and the other receipt shall be delivered to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his accounts.

§ 7. FINAL ACCOUNTING ON FILING RECEIPT.] But no executor, administrator, or trustee shall be entitled to a final accounting of an estate in settlement of which a tax is due under the provisions of this Act, unless he shall produce such receipts.

§ 8. PENALTY, WHEN.] If such tax is not paid within one year from the accruing thereof, interest shall be charged and collected thereon at the rate of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged.

§ 9. POWERS OF EXECUTORS, ETC.] Where Legacy Not in Money. Every executor, administrator, or trustee shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such administrator, executor, or trustee, having in

charge or in trust any legacy or property for distribution, subject to such tax, shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer, as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof, from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this Act, to any person until he shall have collected the tax thereon. If any such legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor, or trustee, and the tax shall remain a lien or charge on such real property until paid. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor, or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting to him to make an apportionment if the case require it, of the sum to be paid into the hands of such legatees, and for such further order relative thereto as the case may require.

§ 10. SUBSEQUENT DEBTS. STATE TREASURER MAY REFUND TAX.] If any debt shall be proved against the estate of the decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share and such person is required by the order of the county court having jurisdiction thereof on notice of the state treasurer to refund the amount of such debts or any part thereof, an equitable proportion of the tax shall be repaid to such person by the executor, administrator, trustee or officer to whom said tax has been paid.

§ 11. HOW REFUND OF TAX MADE.] When any amount of said tax shall have been paid erroneously into the state treasury, it shall be lawful for the state treasurer upon receiving a transcript from the county court record showing the facts to refund the amount of such erroneous or illegal payment to the executor, administrator, trustee, person or persons, who have paid any such tax in error, from the treasury; or the said state treasurer may order, direct, and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him with the same in his account rendered to the state treasurer under this Act. Provided, however, that all applications for such refunding of erroneous taxes shall be made within one year from the payment thereof, or within one year after the reversal or modification of the order fixing such tax.

§ 12. BEQUESTS TO EXECUTORS FOR SERVICE] If a testator bequeaths property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees to an amount exceeding the commissions or allowances prescribed

by law for an executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by this Act.

§ 13. REPORT OF ESTATE OF NON-RESIDENT DECEDENT TO BE FILED WITH STATE TAX COMMISSION.] Every executor or administrator of the estate of a non-resident decedent shall file with the state tax commission a list of the property owned by said non-resident decedent in this state; provided, that said list need not be filed in cases in which ancillary probate proceedings are instituted in the courts of this state for the purpose of probating said estate.

§ 13a. CONTENTS OF REPORT. TIME OF FILING. DUTY OF TAX COMMISSION.] Said list shall be in the form of an affidavit and shall be sworn to by the executor or administrator of said estate, and shall contain a detailed description of the property and the value thereof, owned by said non-resident decedent in this state as of the date of his death. If such property consists in whole or in part of mortgages secured upon real or personal property situated in this state said list shall enumerate each mortgage separately stating the name and post office address of the mortgagor, the county in which the mortgaged property is situated, the date of the execution of said mortgage, the amount of which such mortgage was given, the rate of interest and the amount due on said mortgage at the time of the death of the decedent, and in addition if said mortgaged property consists of real estate, the legal description of the same shall be given. If such property consists in whole or in part of debt evidenced in any other manner than by mortgages secured on real or personal property said list shall contain the name of the debtor, the amount of the debt as of the date of the death of the decedent and the nature of said debt. Said list shall be filed with the state tax commission within thirty days of the issuing of the letters testamentary or letters of administration as the case may be. Upon receipt of said list in proper form the state tax commission shall proceed to determine the amount of the inheritance tax, if any, due the State of North Dakota from said estate and upon such determination shall notify the administrator or executor of said estate immediately whether the same is taxable or exempt and if taxable the amount for which said estate is liable, also the manner in which the tax shall be paid.

§ 13b. STATE TREASURER SHALL ISSUE RECEIPT AND CERTIFIED STATEMENT.] The State treasurer shall upon receipt of the total amount of the tax due from said estate issue to the administrator or executor, paying the same, his receipt therefor and in addition to said receipt shall at the same time issue to said administrator or executor a certified statement bearing the seal of his office to the effect that the full amount of the inheritance tax due from the said estate to the State of North Dakota has been paid.

§ 13c. STATE TAX COMMISSION SHALL ISSUE CERTIFIED STATEMENT, WHEN.] The State tax commission shall upon de-

termining that any such estate is exempt from the payment of any inheritance tax to the State of North Dakota cause a certified statement of such fact to be executed by one of its members in the name of the State tax commission and shall send such certified statement to the executor or administrator of said estate.

§ 14. DUTY OF REGISTER OF DEEDS AS TO SATISFACTIONS AND ASSIGNMENTS.] No register of deeds shall cause to be recorded or filed in his office any satisfaction or assignment of any real or personal property mortgaged executed by a foreign executor or administrator unless said satisfaction or assignment shall be accompanied, for his inspection, by either the certified statement of the state treasurer that the inheritance tax due the State of North Dakota from such estate has been paid, or by the certified statement of the state tax commission that said estate has been determined to be exempt from the payment of any inheritance tax to the State of North Dakota.

§ 14a. TRANSFER OF ASSETS BY FOREIGN EXECUTOR OR ADMINISTRATOR.] No safe deposit company, trust company, corporation, bank or other institution, person or persons having in their possession or under their control securities, deposits or other assets belonging to the estate of such non-resident decedent shall deliver or transfer any assets belonging to the estate of such non-resident decedent to the administrator or executor of such estate or to any other person or persons upon the order of said administrator or executor unless said administrator or executor or such other person holding such order for the transfer or delivery of such assets shall submit to said safe deposit company, trust company, corporation, bank or other institution, person or persons having in their possession or under their control such assets belonging to the estate of the decedent either the certified statement of the state treasurer to the effect that the inheritance tax due the State of North Dakota from said estate has been paid, or the certified statement of the state tax commissioner to the effect that said estate is exempt from paying any inheritance tax to the state of North Dakota.

§ 14b. PENALTY.] Any register of Deeds, safe deposit company, trust company, corporation, bank or other institution, person or persons, violating the provisions of this Act shall be liable to the State for the amount of the tax.

§ 15. CORPORATE PROPERTY TO BE APPORTIONED.] Where stocks, bonds, mortgages or other securities of corporations organized under the laws of this state shall have been transferred by a non-resident decedent, the tax shall be upon such proportion of the value thereof as the property of such corporation in this state bears to the total property of the corporation issuing such stocks, bonds, mortgages, or other securities.

§ 16. HOLDING COMPANY. APPORTIONMENT.] If any stocks, bonds, mortgages or other securities of a holding company or other corporation are based upon or represent in whole or in part the

value of any stocks, bonds, mortgages, or other securities of a North Dakota corporation either directly or indirectly, the transfer of the stocks, bonds, mortgages or other securities of such holding company or other corporation shall be subject to the inheritance tax in the proportion which the North Dakota property bears to the total property represented by or subject to the total stocks, bonds, mortgages, or other securities of which those so transferred are a part.

§ 17. DEBTS, EXEMPTIONS, ETC., TO BE APPORTIONED.] Whenever a tax is due from any resident or non-resident upon the transfer of any property or estate which is partly within and partly without the state, or upon any stocks, bonds, mortgages or other securities representing any such property partly within and partly without this state, such person shall be entitled to deduct from the value of such property so transferred only a proportion of the debts, expenses or administration and exemptions, equal to the proportion which the North Dakota property bears to the entire estate of the decedent.

§ 18. INFORMATION TO COMMISSION. RETAINING AMOUNT OF TAX.] The tax commission shall require such reports and information, and shall make such orders, rules and regulations as it may deem necessary to enable the commission to secure the necessary information from corporations, domestic and foreign, and to ascertain the amount of and collect such tax; and no holding company or other corporation subject to the provisions of this section shall deliver or transfer any such stocks, bonds, mortgages or other securities of a non-resident decedent based upon or representing in whole or in part, directly or indirectly, the value of North Dakota property, or stocks, bonds, mortgages or other securities of a North Dakota corporation without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of such transfer, except upon order of the proper court or a certificate of the tax commission.

§ 19. PENALTIES.] Any corporation or holding company violating the provisions of this section shall be liable to the state for the amount of tax; and for wilful violation of its provisions shall forfeit its charter or its license to do business within this state upon complaint of the tax commissioner, and confiction thereunder.

§ 20. JURISDICTION. ANCILLARY LETTERS.] The county court of every county of the state having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such estate or any party thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws, and to do any act in relation thereto authorized by law to be done by a county court in other matters or proceedings coming within its jurisdiction; and if two or more

county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other county court.

§ 21. PETITION FOR ANCILLARY LETTERS; NOTICE TO PUBLIC ADMINISTRATOR.] Every petition for ancillary letters testamentary or of administration shall include a true and correct statement of all the decedent's property in this state with the value thereof; upon presentation thereof of the county court shall cause the order for hearing to be served personally upon the public administrator; and upon the hearing, the county court shall determine the amount of the inheritance tax which may be or become due and the decree awarding the letters may contain provisions for the payment of such tax.

§ 22. NON-RESIDENT ESTATES. JURISDICTION.] The county court and the judge thereof at the seat of government shall have jurisdiction to hear and determine all questions relating to the determination and adjustments of inheritance taxes in the estates of non-resident decedents in which tax appears to be due, and in which it does not otherwise appear necessary for regular administration to be had therein. And in such estates the public administrator may be appointed as special administrator for the purposes of such adjustment.

§ 23. SPECIAL APPRAISER MAY BE APPOINTED.] The county court, upon the application of any interested party, including the tax commission, or upon its own motion, shall as often as, and whenever occasion may require, appoint a competent person as special appraiser to fix the fair market value at the time of the transfer thereof of the property of persons whose estate shall be subject to the payment of any tax.

§ 24. SPECIAL APPRAISER. NOTICE. DUTY. COMPENSATION.] Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the public administrator, and to such persons as the county court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed, and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing, to the said county court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said county court may order or require. Every appraiser shall be paid on the certificate of the county court at the rate of three dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses, and the fees paid such witnesses, which shall be the same as those now paid to witnesses subpoenaed to attend in courts of record, by the

county treasurer out of any funds he may have in his hands on account of any tax imposed under the provisions of this act.

§ 25. HEARING BY THE COURT.] The report of the special appraiser shall be made in duplicate, and not less than twenty days before the hearing thereon; one of said duplicates shall be filed in the office of the county court and the other shall be mailed to the tax commission. The county court shall examine such report, and from the report and other proofs relating to any such estate shall forthwith determine the cash value of such estate and the amount of tax to which the same is liable; or, the county court without appointing such appraiser may at the time so fixed hear evidence and determine the cash value of such estate and the amount of tax to which the same is liable.

§ 26. NOTICE OF HEARING. HOW GIVEN.] Notice of such hearing to determine the inheritance tax shall be given to all persons interested except where it is clearly evident that no tax is due.

§ 27. APPRAISAL AT CLEAR MARKET VALUE. ANNUITIES. HOW COMPUTED.] Whenever a transfer of property is made upon which there is, or in any contingency there may be, a tax imposed such property shall be appraised at its clear market value immediately upon the transfer or as soon thereafter as practicable. The value of every future or limited estate, income, interest or annuity dependent upon any life or lives in being, shall be determined by the American tables of mortality with interest at the rate of six per centum.

§ 28. CONTINGENT INCUMBRANCES.] In estimating the value of an estate or interest in property to the beneficial enjoyment of possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent incumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property or some part thereof, or interest therein, might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgment, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the incumbrance when taking effect or so much as will reduce the same to the amount which would have been assessed in respect to the actual duration or extent of the estate or interest enjoyed. Such return shall be made in the manner provided in Section 10.

§ 29. INTEREST DETERMINABLE BY DEATH.] Where any property shall, after the passage of this Act be transferred subject to any charge, estate, or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase of benefit accruing to any person or corporation upon the extinction or determination of such charge, estate

or interest shall be deemed a transfer of property taxable under the provisions of this Act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

§ 30. TAX PAYABLE FORTHWITH ON CONTINGENT ESTATE.] When property heretofore or hereafter is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this Act, and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation, which under the provisions of this Act is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as herein provided.

§ 31. POSTPONED TAX ON UNDIMINISHED VALUE.] Estates in expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment or possession thereof without diminution for or on account of any valuation theretofore made of the particular estates for purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the Act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

§ 32. ORDER DETERMINING TAX. CONTENTS. NOTICE.] Upon the determination by the county court of the value of any estate which is taxable under the inheritance tax laws, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (1) the date of death of the decedent, (2) the gross value of the real and personal property of such estate stating the principal items thereof, (3) the deductions therefrom allowed by the court, (4) the names and relationship of the persons entitled to receive the same, with the amount received by each, (5) the rates and amounts of inheritance tax for which each such person is liable, and the total amount of tax to be paid, (6) a statement of the amount of interest or penalty due, if any. If such estate is not taxable the county court shall issue its order exempting the same. Such orders shall be substantially in the form prescribed by the tax

commission. A copy of the same shall be delivered or mailed to the county treasurer, the state treasurer, and the tax commissioner, and no final judgment shall be entered in such estates until due proof is filed with the court that such copies have been delivered or mailed.

§ 33. REHEARING WITHIN SIXTY DAYS.] The attorney general, tax commission, public administrator, state's attorney, or any person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the county court within sixty days from the fixing, assessing, and determination of the tax by the county court as herein provided on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings, and proofs had and taken on the hearing as herein provided and a new trial shall not be had or granted unless specially ordered by the county court.

§ 34. NEGLECT OR REFUSAL TO PAY TAX.] If the treasurer of any county, the public administrator, or the tax commission, shall have reason to believe that any tax is due and unpaid, after the refusal or neglect of any person liable therefor to pay the same, he shall notify the state's attorney of the county in writing of such failure or neglect, and such state's attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation citing the person liable to pay such tax to appear before the court on the day specified, not more than three months from the date of such citation, and show cause why the tax should not be paid; or such citation may be granted on the application of the public administrator or the tax commission. The judge of the county court upon such application and whenever it shall appear to him any such tax has not been paid as required by law, shall issue such citation, and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof, shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable, and the payment thereof cannot be enforced under the provisions of this Act, in said county court, the person or corporation from whom the same is due is hereby made liable to the county of the county court having jurisdiction over such estate or property for the amount of such tax, and it shall be the duty of the State's attorney of said county, in the name of such county, to sue for and enforce the collection of such tax, and it is made the duty of said state's attorney to appear for and act on behalf of any county treasurer, who shall be cited to appear before any county court under the provisions of this Act.

§ 35. SPECIAL ADMINISTRATION TO DETERMINE TAX.] When no application for administration of the estate of any deceased person is made within sixty days after the demise of such person, and such estate appears to come under the provisions of the in-

heritance tax laws, or when administration has been completed without determining the tax, or when no tax is due, and that fact has not been found by the court, or when any certificate of heirship has been applied for or issued, or when any foreign will has been probated, the public administrator of the proper county, or any person interested in such estate, may make application for such special or general administration as may be necessary for the purpose of the adjustment and payment of such tax, if any, or if no tax is due, for an order determining that fact. In cases arising under this and the following sub-sections, the public administrator, if appointed such special administrator, shall be entitled in the discretion of the court to the fees allowed by law to administrators, or to other reasonable compensation, unless it be found that no tax is due.

§ 36. WHERE TRANSFER MADE IN CONTEMPLATION OF DEATH.] Where it appears that the estate of a deceased person subject to the inheritance tax laws was transferred in contemplation of the death of the grantor without the adjustment and payment of the inheritance taxes and no application for such adjustment is made within sixty days after the demise of such grantor, the public administrator of the proper county shall make application for and shall be entitled to such general or special administration as may be necessary for the purpose of the adjustment and payment of the inheritance taxes provided by law and shall administer such estate the same as other estates are administered as though such estate had not been transferred by the grantor.

§ 37. PUBLIC ADMINISTRATOR, DUTIES, COMPENSATION.] It shall be the duty of the public administrator, under the general supervision of the tax commission and with the assistance of the state's attorney, when required by the tax commission or county judge to investigate the estate of deceased persons within his county and to appear for and act in behalf of the county and state in the county court in such estates as the court may in its discretion deem necessary, and for such services the public administrator shall be entitled to five per centum of the gross inheritance tax as determined in each such estate, to be paid by the county treasurer out of the inheritance tax funds upon an order of the county judge, provided that the minimum fee of each such estate shall not be less than three dollars, except that it shall not exceed the amount of such tax, and the maximum fee not more than twenty-five dollars; but in cases of unusual difficulty, in estates of resident decedents, where the tax exceeds five hundred dollars, the county judge may allow the public administrator such additional compensation as he may deem just and reasonable.

§ 38. TAX COMMISSION TO SUPERVISE INHERITANCE TAX.] It shall be the duty of the tax commission to supervise the administration of the inheritance tax laws, and such particular estate to which the inheritance tax laws apply, throughout the various counties of the state, and to cause to be made and filed

in its offices reports of such investigation together with specific information and facts as to particular estates that may seem to require special consideration and attention by the legal department of the state.

§ 39. POWERS AND DUTIES IN NON-RESIDENT ESTATES.] The tax commission shall also gather information and make investigations and reports concerning the estate of non-resident decedents within the provisions of the inheritance tax laws, and shall especially investigate the probate and other records for such probate estates without the state and report thereon from time to time to the legal department of the state and to the public administrator of the proper county court for appropriate legal action.

§ 40. DUTY OF LEGAL DEPARTMENT.] It shall be the duty of the legal department of the state to carry out and enforce the recommendations and directions of the tax commission in all matters pertaining to the conduct of inheritance tax affairs; and in every estate in which the amount of inheritance tax collectable shall exceed or probably exceed the sum of one thousand dollars, there shall be no compounding, composition, or settlement of the taxes under the authority conferred by this Act or otherwise, until the tax commission shall have investigated such estate and made a report thereon, nor until the commission consents to such compounding, compromise, or settlement.

§ 41. FORMS AND BLANKS.] The tax commission shall prescribe such forms and prepare such blanks as may be necessary in inheritance tax proceedings; and such blanks shall be printed at the expense of the state, payable out of the general fund, and furnished to the respective officials upon request.

§ 42. QUARTERLY REPORTS. TAX TO BE PAID TO STATE.] Each county treasurer shall make a report under oath, to the state auditor of all taxes received by him under the inheritance tax laws, stating for what estate paid, which report shall be made at the same time and in the same manner as other taxes are reported, and the county treasurer shall pay to the state auditor all such inheritance tax at the same time and in the same manner as other taxes are paid. The county judge shall likewise make a report to the tax commission of all cases filed in his court wherein an executor, administrator, or guardian has been appointed or an application made to determine heirship, whether the same are taxable or not, and he shall report such other and further information as may be required by the tax commission. The register of deeds shall likewise report to the tax commission all transfers filed in his office made in contemplation of the death of the donor or grantor, and he shall report such other and further information as may be required by the tax commission.

§ 43. TWENTY-FIVE PER CENT TO BE RETAINED BY THE COUNTY.] The county treasurer shall retain for the use of the county, out of all taxes paid and accounted for by him each year

under this Act twenty-five per cent on all sums so collected by or paid to said treasurer.

§ 44. COMPOSITION AND COMPROMISE.] The tax commission is authorized to enter into an agreement with the executor, administrator or trustee of any estate therein situate, in which remainders or expectant estates have been of such nature or so disposed and circumstanced that the taxes therein were held not presently payable or where the interests of the legatees or devisees are not ascertainable under the provisions of this Act, or whenever a tax is claimed on account of the transfer of a non-resident decedent, and to compound such taxes upon such terms as may be deemed equitable and expedient and to grant discharges to said executors, administrators, or trustees upon the payment of the taxes provided for in such composition, provided, however, that no such composition shall be conclusive in favor of said executors, administrators, trustees, as against the interest of such cestui que trust as may possess either present rights or enjoyment or fixed, absolute or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto personally when competent or by guardian. Composition or settlement made or effected under the provisions of this section shall be executed in triplicate and one copy shall be filed in the office of the tax commission; one copy in the office of the judge of the county court in which the tax was paid; and one copy to be delivered to the executors, administrators, or trustees, who shall be parties thereto.

§ 45. TAX. HOW APPLIED. DEDUCTIONS.] All taxes levied and collected under this Act, less any expenses of collection, the percentage to be retained by the county, and the deduction authorized under this Act, shall be paid into the treasury of the state for the use of the state, and shall be applicable to the expenses of the state government and to such other purposes as the legislature may by law direct.

§ 46. TERMS DEFINED.] The words "estate" and "property" as used in this Act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the state. The word "transfer" as used in this Act shall be taken to include the passing of property or any interest therein, in possession or enjoyment, present or future by inheritance descent, devise, succession, bequest, grant, deed, bargain, sale, gift, or appointment in the manner herein prescribed. The word "decedent" as used in this Act shall include the testator, intestate, grantor, bargainor, vendor, or donor. The words "county treasurer," "public administrator," and "attorney" as used in this Act shall be taken to mean the treasurer, public administrator and

attorney of the county of the county court having jurisdiction. All money invested in this state including stock of domestic corporations shall be deemed to be property within the jurisdiction of this state.

§ 47. HEARINGS BY TAX COMMISSION. WITNESSES' CONTEMPT, ETC.] Oaths to witnesses in any matter under the investigation or consideration of the commission may be administered by the secretary of the commission or by any member thereof. In case any witness shall fail to obey any summons to appear before said commission or shall refuse to testify or answer any material question or to produce records, books, papers or documents when required so to do, such failure or refusal shall be reported to the attorney general, who shall thereupon institute proceedings in the proper district court to compel obedience for any summons or order of the commission or to punish witnesses for any such neglect or refusal. Any person who shall testify falsely in any material matter under the consideration of the commission shall be guilty of and punished for perjury. In the discretion of the commission, officers who serve summons or subpoenas, and witnesses attending, shall receive like compensation, as officers and witnesses in the district court.

§ 48. REPEAL.] Section 8976, 8977, 8978, 8979, 8980, 8981, 8982, 8983, 8984, 8985, 8986, 8987, 8988, 8989, 8990, 8991, 8992, 8993, 8994, 8995, 8996, 8997, 8998, 8999 and 9000 of the Compiled Laws of the State of North Dakota for the year 1913, are hereby repealed.

Approved March 9, 1917.

TAX COMMISSION

CHAPTER 232.

[S. B. No. 62—Wenstrom and Gronvold.]

TAX COMMISSION:

An Act to Amend and Re-enact Section 2088 of the Compiled Laws of North Dakota for the year 1913, Relating to Powers and Duties of the Tax Commission.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2088 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 2088. POWERS AND DUTIES OF TAX COMMISSION.] It shall be the duty of the commission and it shall have power and authority:

1. To have and exercise general supervision over the administration of the assessment and tax laws of the state, over assessors, town, county and city boards of review and equalization and all other assessing officers in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state.

2. To confer with, advise and give the necessary instructions and directions to local assessors as to their duties under the laws of the state and to that end call meetings of local assessors of each county to be held at the county seat of such county, for the purpose of receiving necessary instructions from the commission relative to the duties of their office and to the laws governing the assessment and taxation of all classes of property.

3. To direct proceedings, actions and prosecutions to be instituted to enforce the law relating to the penalties, liabilities and punishments of public officers, persons and officers or agents of corporations for failure or neglect to comply with the provisions of the statute governing the returns, assessment and taxation of property and to cause complaints to be made against assessors, members of boards of review, members of county boards of equalization or other assessing or taxing officers in the proper district court or the removal from office for official misconduct to neglect of duty to institute civil proceedings for the enforcement of the taxation and revenue laws of the state.

4. To require state's attorneys to assist in the commencement and prosecution of actions and proceedings or penalties, forfeitures, removals and punishment for violation of the laws of the state in respect to the assessment and taxation of property in their respective counties.

5. To require township, village, city, county and other public officers to report information as to the assessment of property, collection of taxes, receipt from licenses and other sources, the expenditure of public funds for all purposes and such other information as may be needful in the work of the commission in such form and upon such blanks as the commission may prescribe.

6. To require individuals, co-partnerships, companies, associations and corporations to furnish information concerning their actual funds or other debt, current assets and liabilities, value of property, earnings operating and other expenses, taxes and all other facts, which may be needful to enable the commission to ascertain the value and relative burdens borne by all kinds of property in the state.

7. To summon witnesses to appear and give testimony and to produce records, books, papers and documents relating to any matter which the commission may have authority to investigate or determine.

8. To cause the deposition of witnesses residing within or without the state or absent therefrom to be taken upon notice to the interested party, if any, in like manner that depositions of

witnesses are taken in civil actions in the district court in any matter which the commission may have authority to investigate or determine.

9. To require the auditor of each county in the state to file with the tax commission on or before the fourth Monday in August each year complete abstracts of all real and personal property in the county as equalized by the county board of equalization and itemized by assessment districts; said abstracts to be accompanied by a printed or a typewritten copy of the proceedings of said county board of equalization and it shall be the duty of the county auditor to so report to the tax commission.

10. To appoint a special assessor and deputies under him and cause to be made in any year a re-assessment of all or any real and personal property or either in any assessment district when in the judgment of said commission such re-assessment is desirable or necessary to the end that any and all property in such district shall be assessed equally as compared with like property in the county wherein such district is situated. Upon the completion of such re-assessment the said assessor shall certify to such assessment and file the same with the county auditor, and the county auditor shall forthwith notify the members of the board of county commissioners who shall meet the first Monday in the following month of the year and then and there hear all grievances and complain thereon, and proceed to and review and equalize such assessments. Thereupon the said assessment shall be filed with the county auditor and such lists shall supercede and be in place of the original assessment made for such year upon such property and the county auditor shall extend and levy against said property so re-assessed the taxes thereon for such year according to such re-assessment in the same manner as though such list was the original assessment list of such property.

11. To require county auditors to carefully place upon the assessment rolls omitted property which may be discovered to have for any reason escaped assessment and taxation for previous years.

12. To visit the counties of the state unless prevented by other necessary official duties for the investigation of the working methods adopted by local assessors, board of review and county boards of equalization in the assessment, equalization and taxation of personal property.

13. To examine carefully into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein existing laws are defective, or are improperly or negligently administered.

14. To consult and confer with the governor of the state upon the subject of taxation, the administration of the laws in relation thereto, and the progress of the work of the commission, and to

furnish the governor from time to time such assistance and information as he may require.

15. To transmit to the governor and to each member of the legislature, thirty days before the meeting of the legislature, the report of the commission, showing all the taxable property in the state, and the value of the same in tabulated form with recommendations for improvements in the system of taxation in the state, together with such measures as may be formulated for the consideration of the legislature.

16. One or more members of the commission shall visit officially at least one-half of the counties of the state, and some county in each judicial district annually and every county biennially for the investigation of the work and methods adopted by the local assessors, county board of equalization and other tax officials in the assessment, equalization and taxation of real and personal property.

17. To investigate the tax systems of other states and countries and to formulate and recommend such legislation as may be deemed expedient to prevent evasions of assessment and tax laws, and to secure just and equal taxation and improvement of taxation in the state.

18. The North Dakota tax commission shall prescribe the form of all blanks and books required under this article. It shall hear and determine all matters of grievance relating to taxation. It shall have power to grant such reduction or abatement of assessed valuations or taxes and of any costs, penalties or interest thereon as it may deem just and equitable, and to order the refundment in whole or in part of any taxes, costs, penalties or interest thereon which have been erroneously paid. Provided, however, that a verified application therefor shall be submitted to it with a statement of facts in the case and the favorable recommendation of the board of county commissioners and the county auditor of the county wherein such taxes were levied or paid. Except that in the case of gross earnings taxes, the application in the premises may be made directly to the tax commission and without the favorable action of the Board of county commissioners and county auditor. But no reduction, abatement or refundment of any special assessments made or levied by any municipality for local improvements shall be made unless it is also approved by the board of review or similar taxing authority of such municipality. The commission may refer any question that may arise in reference to the true construction of this article to the attorney general, and his decision thereon shall be in force and effect until annulled by the judgment of a court of competent jurisdiction. Upon deciding such case submitted to it the commission shall forward to the county auditor a copy of the order by it made thereon.

19. To exercise and perform such further powers and duties as may be required or imposed upon the commission by law.

Approved March 9, 1917.

CHAPTER 233.

[H. B. No. 40—Mees.]

TRANSFERRING \$1551.45 FROM FUND APPROPRIATED TO SECRETARY OF TAX COMMISSION TO FUND FOR CLERK-HIRE AND ASSISTANTS FOR TAX COMMISSION.

An Act Transferring from the Fund Appropriated to the Secretary of the Tax Commission, under Subdivision 18, Chapter 43, of the Session Laws of 1915, the General Budget, the sum of \$1551.45, to the Fund Appropriated for Clerkhire and Assistants for the Tax Commission under Subdivision 18, with an Emergency clause.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TRANSFER OF FUNDS.] There is hereby transferred, and the State Auditor, of the State of North Dakota, is hereby directed and authorized to transfer, from the appropriation made under sub-division 18, chapter 43, of the session laws of 1915, the general budget, for Secretary of the Tax Commission the sum of \$1551.45, being the unexpended appropriation now existing and remaining in said fund, to the fund for clerkhire and assistants of said Tax Commission, under said sub-division 18, chapter 43, of the session laws of 1915.

§ 2. EMERGENCY.] Whereas, it is necessary for the immediate preservation of the public peace, health and safety, that this act shall become effective without delay for the following reasons, to-wit, namely:

That there are no monies now available in the fund appropriated for clerkhire and assistants for the Tax Commission under sub-division 18, chapter 43, of the session laws of 1915, and whereas, there is existing in the fund appropriated for Secretary of the said Tax Commission under said sub-division 18, chapter 43, of the session laws of 1915, an unexpended balance amounting to the sum of \$1551.45, which will not be needed for such fund, by reason of the fact that there is now no Secretary of such Tax Commission, the Secretary thereof, Carl Kositzky, having resigned, and it being possible for the Tax Commission to proceed as a Tax Commission, until July 1, 1917, without a Secretary, if they are able to retain and have their clerks and assistants now engaged, and whereas, under and pursuant to the decision of the Supreme Court concerning the appropriation for the Tax Commission under said sub-division 18, chapter 43, session laws of 1915, as contained in *State vs. Jorgenson* (31 N. D., 563) and the *State Ex Rel Wallace vs. Jorgenson* (159 N. W., 35) the funds appropriated under said sub-division 18 were so fixed and appropriated, based upon a one man tax commission and have been held to be valid as appropriated, excepting the appropriation made for salary of the Tax Commissioner, and whereas, the Tax Commission consists of three members as heretofore, and it is necessary for the efficient and due

administration of the duties imposed upon them that such transfer be made.

Therefore this Act shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved February 14, 1917.

TEMPERANCE DAY

CHAPTER 234.

[S. B. No. 7—Hemmingson.]

TEMPERANCE DAY.

Designating Temperance Day in the Public Schools of the State, and Requiring Instruction and Appropriate Exercises Relative to the History and Benefits of Prohibition upon said Day.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That the third Friday in January of each year shall be set apart and designated as "Temperance Day," and in every public school in the State of North Dakota not less than one hour of the school day shall be set apart for instruction and appropriate exercises relative to the history and benefits of prohibition and the prohibition laws of the State of North Dakota. Provided, that the school shall continue its regular work during the remainder of the day. It shall be the duty of all state, county, city and school district officers, and of all public school teachers in the state, to carry out the provisions of this act.

Approved February 19, 1917.

TORRENS ACT

CHAPTER 235.

[S. B. No. 1—McCarten.]

REGISTRATION OF LAND AND THE TITLE THERETO.

An Act Concerning the Registration of Land and the Title Thereto in the State of North Dakota.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Real estate situated in any county in the state may be registered under the provisions of this chapter in the manner herein provided.

§ 2. Registered land shall be subject to the same burdens and incidents which attach by law to unregistered land. This chapter shall not operate to relieve registered land, or the owners thereof from any rights, duties or obligations incident to, or growing out of the marriage relation or from liability to attachment on mesne process, or levy on execution, or from liability to any lien or charge of any description whatever, created or established by law upon the land, or the buildings situated thereon, or the interest of the owner of such land or buildings. It shall not operate to change the laws of descent or the rights of partition between co-tenants, or the right to take the land by eminent domain. It shall not operate to relieve such land from liability to be taken or recovered by any assignee or receiver under any provision of law relative thereto, and shall not operate to change or affect any other rights, burdens, liabilities or obligations created by law and applicable to unregistered land except as otherwise expressly provided herein. No title to registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

§ 3. An application for registration may be made by any of the following persons:

First, the person or persons who singly or collectively own the land. Tenants in common shall join in the application.

Second, the person or persons who singly or collectively have the power of disposing of the land.

Third, infants and other persons under disability, by their guardian, duly appointed by the proper probate court in this State.

Fourth, a Corporation, by its proper officer or by an agent duly authorized by the Board of Directors.

Fifth, any executor or administrator duly appointed by the proper Probate Court in this State. The person in whose behalf the application is made shall be named as applicant.

§ 4. No land, the title to which is derived from any tax or local assessment sale, shall be registered until such title has been adjudged to be valid by a court of competent jurisdiction, and a certified copy of the decree duly recorded with the Register of Deeds; provided, however, that any person may make the application when for at least fifteen years the land has been in the adverse possession of the applicant or those through whom he claims title.

No lesser estate than a fee simple, and no mortgage, lien or other charge upon land, shall be registered, unless the estate in fee simple therein is registered; but the fact that the estate or interest of the applicant is subject to any outstanding lesser estate or to a mortgage, or other charge or lien, shall not prevent its registration.

§ 5. The application shall be in writing, and shall be signed and verified by the applicant, or by his agent thereunto lawfully authorized in writing. If the application is signed and verified by any agent, except an officer of a Corporation, the authority of such agent shall be executed and acknowledged in the manner required in the execution and acknowledgment of a deed, and shall be recorded with the Register of Deeds for the County wherein the land is situated, before the filing of the application. If the application is made by a Corporation, it shall be verified by some officer of the corporation. If the applicant is married, the husband or wife of the applicant shall assent thereto in writing by duly acknowledged endorsement thereon, or by a separate instrument duly acknowledged and filed with the application.

§ 6. The application shall set forth substantially:

First, the full name, age and residence of the applicant. If the application is made by any person acting in behalf of another, the application shall likewise state the full name and residence of the person so acting, and the capacity in which he acts.

Second, whether the applicant is or is not married, and if married the full name of the husband or wife. It shall also state that the applicant is under no disability and whether the applicant has ever been divorced, and if so, when, where and by what court the divorce was granted.

Third, a correct description of the land, together with the assessed valuation thereof, exclusive of improvements, according to the last official assessment.

Fourth, the estate or interest of the applicant in the land, and whether or not it is subject to an estate of homestead.

Fifth, the names of all persons or parties except the applicant, who appear of record, or who are known to the applicant to have or to claim any right, title, estate, lien or interest in the land.

Sixth, whether the land is occupied or unoccupied. If occupied by any other person than the applicant, it shall state the full name and address of such occupant, and the nature of the estate, inter-

est, lien or charge which such occupant or occupants have; or claim to have, in the land.

Seventh, whether the land is subject to any lien or incumbrance, recorded or unrecorded, together with the character and the amount of the same and the name and postoffice address of each holder thereof. If recorded, it shall state the place, book and page of record.

Eighth, whether any person, other than the applicant, has or claims to have any estate or interest in the land, either in law or equity in possession, remainder, reversion or expectancy, together with the full name and address of every such person and the nature and character of such estate or interest.

Ninth, if the application is on behalf of a minor, it shall state the age of such minor, and that a duly certified copy of the letters of guardianship has been recorded with the Register of Deeds in the county wherein the land is situated.

Tenth, when the place of residence of any person whose residence is required to be given is unknown to the applicant, it may be so stated in the application, and also that after due and diligent search the applicant has been unable to ascertain the same.

Eleventh, if it is desired to fix and establish the boundary lines of the land, the full names and postoffice addresses of all owners of adjoining lands which are in any manner effected thereby shall be fully stated; otherwise the decree shall not have the effect to fix or determine the boundary line.

Any person having or claiming any right, title, interest or estate in land or any lien or charge upon or against the same, may assent in writing to the registration thereof, and the person thus assenting need not be named as a defendant in the registration proceeding, or, if already named as a defendant therein, need not be served with a summons therein. Such assent shall be executed and acknowledged in the manner now required by law for the execution and acknowledgment of a deed, and shall be filed with the Clerk of the Court.

§ 7. If the applicant is not a resident of the State of North Dakota, he shall file for record with the Register of Deeds a written agreement, duly executed and acknowledged, appointing an agent residing in the State. He shall state therein the full name and postoffice address of such agent, and shall therein agree that the service of any legal process in proceedings under or growing out of any application shall be of the same legal effect when made on said agent as if made on the applicant within the State. If the agent so appointed dies or removes from the State, the applicant shall at once appoint another agent in like manner, and, if he fails to do so, the court may in its discretion dismiss the application. In any subsequent application made by the same applicant, he may refer to such written authority so recorded, provided the same is sufficiently comprehensive to include such subsequent application.

§ 8. Any number of adjoining tracts of land in the same county

and owned by the same person and in the same right, or any number of tracts of land in the same county having the same chain of title, and belonging to the same person, may be included in one application.

§ 9. Amendments to the application, including joinder, substitution or discontinuance as to parties, may be allowed by the court at any time upon terms that are just and reasonable, but all amendments shall be in writing and signed and verified like the original application.

§ 10. The application for registration shall be addressed to the District Court and for the County wherein the land described therein is situated. The District Court shall have original exclusive jurisdiction thereof, and all proceedings thereunder, and shall have full power to inquire into the title of said land, and any right, title, interest or estate therein, and any lien, charge or incumbrance thereon. By its decree, it shall adjudge and determine the title to said land, the nature, character, extent and amount of all liens and incumbrances thereon, the priority as between the same, and shall remove all clouds from the title. The District Court shall have full power and authority to make all necessary orders, judgments and decrees and for these purposes the courts shall be always open.

§ 11. The application shall be filed with the clerk of the District Court, who shall docket the same in a book to be known as the "Land Registration Docket." The application shall be entitled (here insert name of applicant), applicant to have registered the title to (here insert the description of land), applicant, against (here insert the names of all persons named in the application and in the order of the court directing the issuing of the summons as being in possession of the land, or having any lien, incumbrance, right, title, interest or estate therein), also "all other persons or parties unknown, claiming any right, title, estate, lien or interest in the real estate described in the application herein," defendants. All orders judgments and decrees of the court in said proceeding shall be minuted in such docket. All final orders or decrees shall be recorded by the clerk and proper reference made thereto in such docket. At the time of the filing of the application with the clerk a copy thereof duly certified by him shall be filed for record with the Register of Deeds, and shall have the force and effect of a *lis pendens*. The applicant shall file with the clerk, as soon after the filing of the application as is practicable, an abstract of title to the land described in the application, satisfactory to the examiner. If required so to do by the examiner, the applicant shall likewise cause the land to be surveyed by some competent surveyor, and file with the clerk a plat of the land duly certified by such surveyor.

§ 12. The judges of the district court shall appoint one or more competent attorneys in each county within their respective districts to be examiners of titles and legal advisors to the regis-

trar in said county. The examiners of titles shall hold office subject to the will and discretion of the district court by which they are appointed. Their compensation shall be fixed and determined by the said court and shall be paid in the same manner as the compensation of other county employees is paid.

§ 13. Immediately after the filing of the abstract of title the court shall enter an order referring the application to an examiner of titles, who shall proceed to examine the title to the land described in the application, and into the truth of all matters set forth therein. He shall ascertain whether or not the land is occupied, and, if occupied, he shall ascertain the nature thereof, and by what right the occupation is held. He shall also ascertain whether or not any judgments or decrees exist which may be a lien upon the land. He shall search all public records, and fully investigate all facts pertaining to the title which may be brought to his notice, and shall file in the case a full report thereof together with his opinion upon the title. The court shall not be bound by any report of the examiner of titles, but may require further or other proof. An examiner of titles shall have full power to administer oaths and examine witnesses concerning any matter involved in his investigation of titles. In such manners he shall possess the same authority as is vested by law in referees appointed by the district court.

Whenever in the opinion of the examiner, the state has any interest in or lien upon the land, he shall state the nature and character thereof in his report, and in such cases the state shall be joined as a party, and named in the summons as a party thereto, in order that its interest, estate and lien may be defined or preserved.

The clerk shall give notice to the applicant of the filing of such report. If the report of the examiner is adverse to the applicant, he shall have a reasonable time in which to proceed further or to withdraw his application.

This election shall be made in writing and filed with the clerk.

Examiners shall, upon the request of the registrar, advise him upon any act or duty pertaining to the conduct of his office, or prepare the form of any memorial to be made or entered by the registrar.

§ 14. If in the opinion of the examiner, the applicant has a title to the land proper for registration, or if the applicant after an adverse opinion of the examiner, elects to proceed further, the applicant shall file with the clerk a certified petition praying that a summons may be issued in said proceeding. The court shall thereupon examine all the files and records of said proceeding, and shall by its order direct that a summons be issued therein. This order shall contain the name and address so far as known, of every person who is to be joined as a party to said proceeding, including all persons named in the application or found by the report of the examiner to be in possession of the land, or as having any right, title, interest or estate therein, or any lien or incumbrance upon or

claiming any right, title, estate, lien or interest in the real estate described in the application herein."

Defendants.

"The State of North Dakota to the above named defendants:

"You are hereby summoned and required to answer the application of the applicant in the above entitled proceeding and to file your answer to the said application in the office of the clerk of said court, in said county, within thirty (30) days after the service of this summons upon you, exclusive of the day of such service, and, if you fail to answer the said application within the time aforesaid, the application in this proceeding will apply to the court for the relief demanded therein.

"Witness.....clerk of said court, and the seal thereof, at.....in said county, this.....day of
.....A. D. 19.....

(Seal)

"Clerk."

When the summons has been served as herein provided, the court shall be deemed to have acquired jurisdiction of the subject matter of the proceeding, and of all persons whatsoever, who have, or may have, any right, title, interest or estate in the real estate described in the application, or any lien or charge whatsoever upon or against the same.

By the phrase in the summons "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein," all the world are made parties defendant, and shall be bound and concluded by the decree.

§ 16. Any person claiming any right, title, estate or interest in or lien upon the land, whether named in the summons or not; may file an answer therein, within the time named in the summons, or within such further time as may be allowed by the court. The answer shall state all objections to the application, and shall set forth the right, title, estate, interest or lien claimed by the party filing the same, and shall be signed and verified by the defendant, or by some person in his behalf.

§ 17. Upon the petition of the applicant, or of any person interested in the proceedings, the court shall appoint a disinterested person to act as guardian ad litem for minors, and other persons under disability, and for all persons not in being, who may appear to have any interest or lien upon land. The compensation of the guardian shall be determined by the court, and paid by the applicant as part of the expenses of the proceeding.

§ 18. If no person appears and answers within the time named in the summons, or allowed by the court, the court may, at once, upon the motion of the applicant, no reason to the contrary appearing, and upon satisfactory proof of the applicant's right thereto, make and file its order and decree confirming the title of the applicant and ordering the registration thereof.

§ 19. When an answer is filed, the case shall be tried by the court in like manner as an ordinary civil action. The court may refer the case, or any part thereof to one of the examiners, as referee, to hear the parties and their evidence, and make report thereon to the court. Any report of an examiner shall have the same weight as that of a referee appointed by the district court. After the filing of such report, the court may order such other or further hearing of the cause before the court, or before the examiner, and may require such other or further proof by either or any of the parties to the cause as it shall deem proper.

§ 20. If the court shall find after hearing that the applicant has not a title proper for registration, an order shall be entered dismissing the application which may be without prejudice.

The applicant may upon motion dismiss the application at any time before the final decree is entered upon such terms as shall be fixed by the court.

§ 21. If, after hearing, the court finds that the applicant has a title proper for registration, whether as stated in his application or otherwise, it shall make and file its decree therein, confirming the title of the applicant and ordering the registration thereof. Provided that no final decree of registration shall be entered until proof is made by certificate from the proper officer that all taxes and levies assessed on said land, and then due or delinquent have been paid in full. Except as herein otherwise provided, every decree of registration shall bind the land described therein, and shall forever quiet the title thereto, and shall be forever binding and conclusive upon all persons, whether mentioned by name in the summons, or included in the phrase "all other persons or parties unknown claiming any right, title, estate, lien or interest in the real estate described in the application herein," and such decree shall not be opened, vacated or set aside by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding at law or in equity for opening, vacating, setting aside or reversing judgments and decrees, except as herein especially provided.

The decree shall forever determine, bind and conclude all the right, title, interest, estate or lien in the land described therein of the husband or wife of any defendant acquired or growing out of the marriage relation in like manner as if such husband or wife had been expressly named in said decree.

§ 22. Every decree of registration shall bear the date, hour and minute of its entry and shall be signed by the judge of the district court. It shall state the age of the owner of the land, and whether married, or unmarried, and, if married, the name of the husband or wife; if the owner of the land is under disability, it shall state the nature thereof. It shall contain an accurate description of the land as finally determined by the court, and shall set forth the estate of the owner and also, in such manner as to show their relative priority, all particular estates, mortgages, easements, liens, attachments and other incumbrances, including

rights of husband and wife, if any, to which the land or the owner's estate is subject, and shall contain any other facts properly to be determined by the court. Immediately upon the filing of the decree of registration, the clerk shall file a certified copy thereof with the registrar.

§ 23. The obtaining of a decree of registration, and the receiving of a certificate of title, shall be deemed as an agreement running with the land, and binding upon the applicant, and his successors in the title, that the land shall be and forever remain registered land, and subject to the provisions of this act, and to all acts amendatory thereof. All dealings with the land, or any estate or interest therein, and all liens incumbrances and charges upon the same, after the land has been registered, shall be expressly subject to the terms and provisions of this Chapter.

§ 24. Every person receiving a certificate of title pursuant to a decree of registration, and every subsequent purchaser of registered land, who receives a certificate of title in good faith and for a valuable consideration, shall hold the same free from all incumbrances, and adverse claims, excepting only such estates, mortgages, liens, charges and interests as may be noted in the last certificate of title in the office of the registrar, and also excepting any of the following rights or incumbrances subsisting against the same, if any, namely:

1. Liens, claims or rights, arising or existing under the laws or the Constitution of the United States, which the state cannot require to appear on record.

2. The lien of any tax or special assessment of which the land has not been sold at the date of the certificate of title.

3. Any lease for a period not exceeding three years, when there is actual occupation of the premises thereunder.

4. All rights in public highways upon the land.

5. Such right of appeal, or right to appear and contest the application as is allowed by this Chapter.

§ 25. Any person having any right, title, or interest in or lien upon the land upon whom the summons has not been personally served, and who had no notice or knowledge of the filing of the application or of the pendency of such proceeding prior to the entry of the decree therein, may at any time within ninety (90) days after the entry of such decree and not afterwards, file his duly certified petition setting forth such facts and praying for leave to file his answer therein. If the court is satisfied of the truth of the matters set forth in such verified petition, it shall make an order permitting such petitioner to answer the application. Upon the filing of such answer, and upon not less than ten (10) days' notice to the applicant, and to such other persons or parties as the court may order, and in such manner, as it may direct, the court shall proceed to review the case, and, if satisfied that its decision or decree ought to be opened, it shall so order. Thereupon the court shall proceed to hear and try the case DE NOVO,

and to make such further order, decision or decree therein as shall be according to equity.

§ 26. Any person who shall acquire any right, title, interest or estate in the land subsequent to the filing of the copy of the application for registration with the register of deeds, and prior to the entry of the decree in the registration proceeding, shall at once appear and answer as a party defendant in such proceeding, and the right, title, interest, estate or lien of such person shall be subject to the order or decree of the court.

§ 27. No decree of registration heretofore entered, and no original certificate of title heretofore issued pursuant thereto, shall be adjudged invalid or set aside unless the action in which the validity of such decree of registration, or original certificate of title issued pursuant thereto, is called in question, be commenced, or the defense alleging the invalidity thereof be interposed within six (6) months from the date when this law takes effect. No decree of registration hereafter entered, and no original certificate of title hereafter issued pursuant thereto, shall be adjudged invalid or set aside, unless the action in which the validity of such decree, or of the original certificate of title issued pursuant thereto, is called in question, be commenced, or the defence alleging the invalidity thereof interposed, within six (6) months from the date of such decree.

No action or proceeding, either at law or in equity for the recovery of any right, title, interest or estate in registered land adverse to the title established and adjudicated by any original decree of registration heretofore entered shall be maintained unless such action is commenced within six months from the date when this law takes effect, and no action or proceeding for the recovery of any right, title, interest or estate in registered land adverse to the title established by any original decree of registration hereafter entered shall be maintained, unless such action is commenced within six months from the date of such original decree.

No action or proceeding for the enforcement or foreclosure of any lien or charge upon or against registered land, which existed at the date when any original decree of registration was heretofore entered and which was not recognized and established by such decree, shall be maintained, unless such action or proceeding is commenced within six months from the date when this law takes effect. No action or proceeding for the enforcement or foreclosure of any lien or charge upon or against registered land, in existence at the date of any original decree or registration hereafter entered, and which is not recognized and established by such decree, shall be maintained, unless such action or proceeding is commenced within six months from the date of such original decree.

No such action or proceeding shall be commenced by any person who is bound by the decree. Nothing herein shall apply

to any action or proceeding now pending in the courts of this state or affect any rights already barred when this law takes effect.

§ 28. An appeal may be taken to the supreme court from any order or judgment of the district court under this act as follows:

First. From any final decree within six months from the date thereof. Upon appeal from such decree, the supreme court may review any intermediate order involving the merits or necessarily affecting the decree.

Second. From any order granting or denying an application to open, vacate or set aside such decree, within thirty days from the date of the filing of such order.

Third. From any order granting or refusing a new trial, or from any order involving the merits of the proceeding, or some part thereof within thirty days from the filing of such order.

All appeals from any order or decree in any proceeding under this Chapter shall be taken upon such notice, terms and conditions as are now provided by law for the taking of appeals in civil actions.

§ 29. Registers of deeds shall be the registrars of titles in their respective counties.

§ 30. Before entering upon the duties of his office, the registrar of titles shall execute a bond to the state for such amount and with such sureties as may be determined by the board of county commissioners. Such bond shall be approved by the district court, and filed in the office of the secretary of state, and shall be conditioned for the faithful discharge of his duties. A copy of said bond shall be filed and entered upon the records of the court.

§ 31. The registrar of titles shall be at all times under the control of the court, which may adopt such rules governing the conduct of his office as it may deem wise. Every registrar of titles shall have an official seal.

§ 32. The registrar of titles may, in his discretion, appoint one or more deputy registrars of titles, who may also be deputy registers of deeds, to act in his stead. Deputy registrars shall act in the name of the registrar, and their acts shall be his acts. The registrar shall be liable for any neglect or omission of a deputy, to the same extent as for his own neglect or omission. The registrar may, with the consent of the board of county commissioners, employ such clerks as may be required to properly perform the duties of his office.

§ 33. Immediately upon the filing of the decree of registration with the registrar, he shall proceed to register the title pursuant to the terms of the decree in the manner herein provided.

He shall keep a book known as the "Register of Titles," wherein he shall enter all first and subsequent certificates of title by binding or entering them therein, in the order of their numbers, beginning with number one. The entering of the certificate of title in the register of titles shall constitute the act of registration. The term "certificate of title" shall be deemed to include all mem-

orials and notations thereon, and each certificate of title shall contain proper blanks for the entry of the memorials and notations thereon. Each certificate shall constitute a separate page of such book, and all memorials and notations that may be entered by the registrar shall be entered by him upon the page whereon the latest certificate of title relating to the land affected is entered.

§ 34. The certificate of title shall contain the name and residence of the owner, a description of the land, and of the estate of the owner therein, and shall by memorial contain a description of all encumbrances, liens and interest to which the estate of the owner is subject. It shall state his age, and if under disability the nature thereof. It shall also state whether or not the owner is married, and, if married, the name of the husband or wife. In case the land is held in trust or subject to any condition or limitation, it shall state the nature and character thereof. It shall be substantially in the following form:

CERTIFICATE OF TITLE.

No.

First Certificate of Title, pursuant to the order of the District Court, Judicial District, County of and State of North Dakota, dated 19

REGISTRATION.

State of North Dakota, }
County of } ss.

This is to certify that of the of County of and State of is now the owner of an estate, to-wit: of and in the following described land, situated in the county of and State of North Dakota, to-wit:

Subject to the incumbrances, liens and interest noted by memorial underwritten or indorsed hereon; and subject to the following rights or incumbrances subsisting, as provided in the thirty-fourth section of "An act concerning the registration of land and the title thereto" of the Session Laws of the State of North Dakota, for the year 1917, namely:

1. Liens, claims or rights arising under the laws or the Constitution of the United States, which the statutes of this state cannot require to appear of record.

2. Any tax or special assessment for which a sale of the land has not been had at the date of the certificate of title.

3. Any lease for a period not exceeding three years, when there is actual occupation of the premises under the lease.

4. All public highways embraced in the description of the lands included in the certificates shall be deemed to be excluded.

5. Such right of appeal or right to appear and contest the application as is allowed by law.

That the said..... is of the age of..... years,
 is..... married..... and is under.....
 disability. In Witness whereof, I have hereunto subscribed my
 name and affixed the seal of my office, this..... day of.....,
 19.....

.....
 Register of Titles,

In and for the County of..... and State of North
 Dakota.

All certificates issued subsequent to the first certificate of title shall be in like form except that they shall be entitled "Transfer from number (here give the number of the next previous certificate relating to the same land)," and shall also contain the words, "originally registered (date, volume, and page of registration)."

§ 35. The original certificate of title in the register of titles, any copy thereof duly certified by the registrar, or by his deputy, and authenticated by his seal, and likewise the owner's duplicate certificate of title shall be received in evidence in all the courts of this state, and shall after the expiration of the time herein limited to bring action or to contest the title of the registered owner be conclusive evidence of all matters and things contained therein. In case of variance between the owner's duplicate certificate and the original certificate of title, the original certificate shall prevail.

Deeds, mortgages, leases, or other conveyances of real estate, or letters of attorney authorizing the same, and all instruments in any manner affecting the title to registered land, together with any notations, indorsements or memorials upon the same made by the registrar of titles, as required by law, heretofore or hereafter filed with the registrar, shall be received in evidence in all the courts of this state, without further or other proof, and shall be prima facie evidence of the contents thereof. Duly authenticated copies of said instruments, or any of them, may likewise be received in evidence in any court of this state with like force and effect, as the original instruments.

§ 36. The registrar shall likewise keep tract indexes, in which he shall enter an accurate description of all registered land, together with the names of the respective owners thereof and a reference to the volume and page of the register of titles in which the same is registered. He shall also keep alphabetical indexes in which he shall enter in alphabetical order the names of all owners of registered land, and the names of all persons having any interest in or lien upon the same, with reference to the volume and page of the register of titles in which the certificate of title is entered as follows:

The registrar shall keep two books to be known as the Grantors' and Grantees' Books, respectively:

The registrar shall enter in each of said books in the order and manner aforesaid, and as soon as the same are received, all in-

struments affecting the title to land which are filed with him, and shall enter as far as may be the particulars of said instruments in the appropriate column of said books. The pages of each of the said books, shall be lettered in alphabetical order, a convenient number of consecutive pages being allotted to each letter of the alphabet, and each entry shall be made in the grantor's reception book under the initial letter of the grantor's surname, and in the grantee's book, under the initial letter of the grantee's surname, and all the entries under each letter shall appear in the order as to time in which the instruments were filed.

§ 37. Every instrument affecting the title to land filed with the registrar shall be numbered by him consecutively, and he shall indorse upon the same the number thereof, together with the date, hour and minute when the same is filed, and a reference to its proper certificate of title. Every such instrument shall be retained by him and shall be regarded as registered from the time of filing. When the memorial of any instrument is made upon any certificate, the date, number and time of filing thereof shall likewise be endorsed upon such certificate. All records and papers relating to registered land in the office of the registrar, shall be open to the inspection of the public at such times and under such conditions as the court may prescribe. Duplicates of all instruments, voluntary or involuntary, filed and registered with the registrar, may be presented with the originals and shall thereupon be attested and sealed by him, and endorsed with the file number, and other memoranda on the originals, and returned to the person presenting the same. The registrar shall furnish certified copies of the instruments filed and registered in his office, upon payment of a fee of 10 cents per folio, for each folio contained in such instrument.

The court shall adopt general forms of memorials and notations to be used by the registrar in registering the common forms of conveyance and other instruments.

§ 38. All notices required by this law, after the original registration, either by the registrar or by the court, shall be served on the persons to be notified in the following manner: The notice shall be served upon a resident of the state in the manner now provided by law for the service of a summons in a civil action, and the same proof of such service shall be made. It shall be served upon a person who is not a resident of the state by sending the same by mail to such person at his postoffice address, as stated in the certificate or in any registered instrument on file with the registrar. The certificate of the registrar or clerk that any notice has been mailed as foresaid shall be conclusive proof of the service of such notice, but the court may, in any case, order different or other service thereof by publication, or otherwise.

§ 39. At the time the original certificate of title is entered, tl registrar shall make a duplicate thereof, endorsing across the fa of such duplicate the words, "Owner's Duplicate Certificate and shall deliver the same to the owner or his authorized attorney

The registrar shall, in every case, whenever it is practicable so to do, take from such owner a receipt for such duplicate certificate, which shall be signed by the owner in person. Such receipt, when signed and delivered in the office of the registrar, shall be witnessed by him or his deputy. If such receipt is signed elsewhere, it shall be witnessed and acknowledged in the same manner as a deed. Such receipt shall be prima facie evidence of the genuineness of such signature.

§ 40. Where two or more persons are owners of registered land, either as tenants in common or otherwise, one owner's duplicate certificate may be issued for the entire interest in the land or separate duplicate certificates may be issued to each owner for his undivided interest therein.

§ 41. The owner of registered land holding one duplicate certificate for two or more distinct parcels of land may surrender the same, and thereupon the registrar may issue to him one or more duplicate certificates therefor. An owner of registered land holding separate duplicate certificates for several parcels of land may surrender the same, and thereupon the registrar may issue to such owner a single duplicate certificate for all of said parcels, or may issue two or more certificates including in each certificate as many parcels as such owner may desire.

§ 42. The certificate of title, when entered in the register of titles, shall relate back to and take effect as of the date of the decree of registration.

§ 43. If any duplicate certificate is lost or destroyed or cannot be produced, a duly verified statement, setting forth the facts relating thereto, may be filed with the registrar by the registered owner, or other person, in interest. Upon such application, after due notice and hearing, the court may direct the registrar to issue a new duplicate certificate, containing a memorandum of the fact that it is issued in place of a lost duplicate certificate, which shall be entitled to like faith and credit as the original duplicate.

§ 44. If the registrar of titles is requested to enter a new certificate in pursuance of an instrument which purports to be executed by the registered owner, or by reason of any instrument of proceeding which divests the title of the registered owner against his consent, and the outstanding owner's duplicate certificate is not presented for cancellation when such request is made, the registrar of titles shall not enter a new certificate, until authorized so to do by order of the district court. The person who claims to be entitled thereto may make application therefor to the district court, and after due notice and hearing, the court may order the registered owner or any person withholding the duplicate certificate to surrender it, and direct the entry of a new certificate upon such surrender. If the person withholding the duplicate certificate is not amendable to the process of the court, or if for any reason the outstanding owner's duplicate certificate cannot be delivered up, the

court may by decree annul it, and order a new certificate of title to be entered.

If an outstanding mortgagee's or lessee's duplicate certificate is not produced and surrendered when the mortgage or lease is discharged, assigned or extinguished, the same proceedings may be had to obtain registration as in the case of the non-production of an owner's duplicate.

§ 45. The owner of registered land may plat the same and subdivide it into lots and blocks in like manner as in case of unregistered land. All laws with reference to the subdivision and platting of unregistered land shall apply with like force and effect to registered land, excepting only that the surveyor's plat thereof shall be filed with the registrar.

§ 46. An owner of registered land may convey, mortgage, lease, charge or otherwise deal with the same as fully as if it had not been registered. He may use any form of deed, mortgage, lease or other voluntary instrument sufficient in law for the purpose intended. No voluntary instrument of conveyance purporting to convey or affect registered land except a will, and a lease for a term not exceeding three years, shall take effect as a conveyance, or bind or effect the land, but shall operate only as a contract between the parties, and as authority to the registrar to make registration. The act of registration shall be the operative act to convey or affect the land.

§ 47. Every conveyance, lien, attachment, order, decree or judgment, or other instrument or proceeding, which would effect the title to unregistered land under existing laws, if recorded, or filed with the Register of Deeds, shall, in like manner, effect the title to registered land if filed and registered with the registrar in the county where the real estate is situated, and shall be notice to all persons from the time of such registering or filing.

§ 48. No new certificate shall be issued upon any transfer of registered land which does not divest the title in fee simple of said land, or some part thereof. All interest in registered land, less than an estate in fee simple, shall be registered by filing with the registrar the instrument which creates, transfers or claims such interest, and by brief memorandum or memorial thereof made and signed by the registrar upon the certificate of title. A similar memorandum shall also be made on the owner's duplicate. The cancellation of such interest shall be registered in the same manner.

§ 49. Every deed or other voluntary instrument which is presented for registration shall contain or have endorsed upon it the full name and postoffice address of the grantee, or other person, who acquires or claims an interest under such instrument. Any change in the postoffice address of such person shall be endorsed by the registrar upon the original instrument upon receiving a duly verified statement of such change. All names and addresses shall also be entered upon the certificates of title.

§ 50. No new certificate of title shall be entered or issued, and no memorial shall be made upon any certificate of title in pursuance of any deed or other voluntary instrument, unless the owner's duplicate is presented therewith, except in cases provided for, in this law or upon the order of the court. Whenever such order is made, a memorial thereof shall be entered, or a new certificate issued as directed thereby. Whenever any voluntary instrument is presented for registration, the production of the owner's duplicate certificate shall authorize the registrar to enter a new certificate or to make a memorial of registration in accordance with such instrument, and the new certificate or memorial shall be binding upon the registered owner, and upon all persons claiming under him in favor of every purchaser for value and in good faith. In all cases of registration which are procured by fraud, the owner may pursue all his legal and equitable remedies against the parties to such fraud, without prejudice however to the rights of any innocent holder for value of a certificate of title.

§ 51. An owner of registered land who desires to convey the same, or any portion thereof, in fee, shall execute a deed of conveyance, and file the same, together with the owner's duplicate certificate, with the registrar. The registrar shall require an affidavit by the grantee, or some person in his behalf, which affidavit shall set forth the name, age and residence of the grantee, and whether the grantee is or is not married, and, if married, the name of the husband or wife. The owner's duplicate certificate and the original certificate of title shall be marked "Cancelled" by the registrar, who shall thereupon enter in the register a new certificate of title to the grantee and shall prepare and deliver to such grantee a new owner's duplicate certificate. All incumbrances, claims or interests adverse to the title of the registered owner shall be stated upon the new certificate, except so far as they may be simultaneously released or discharged. The deed of conveyance shall be filed and endorsed with the number and place of registration of the certificate. If a deed in fee is for a part only of the land described in the certificate of title, the registrar shall enter a new certificate of title and issue an owner's duplicate certificate to the grantor for that portion of the land not conveyed.

§ 52. All laws requiring deeds, plats or other instruments affecting unregistered land to bear the endorsement of the proper city or county officials showing that all taxes and assessments upon the same have been paid, shall be operative as to registered land, and all such law shall be complied with before any deed, plat or other instrument affecting registered land shall be filed with the registrar.

Whenever, by the terms of any decree of registration, any tax or local assessment lien, or the title based upon the same, is either subordinated to the title adjudicated thereby or merged therein, all such liens and titles shall be described in detail in the decree, and from and after the entry thereof such titles and liens shall be

considered as having in law been paid. A certified copy of the decree shall be filed with the County Auditor and City Treasurer in all counties where local assessments are paid to such officials; and the County Auditor and City Treasurer shall thereafter treat the liens and titles described in such decree as having in law been paid, and shall make upon the books and records of their respective offices proper entries to that effect. If any deed, plat or other instrument affecting such land is thereafter presented to the County Auditor or to the City Treasurer, upon which it is the duty of such officers to make any official endorsements they shall regard all the titles and liens described in such decree as having been legally paid and satisfied, and shall make their official endorsement upon such deed, plat or other instrument without reference or regard thereto.

§ 53. The owner of registered land may mortgage the same by deed or other instrument sufficient in law for the purpose, and such mortgage or other instrument may be assigned, extended, discharged or released, either in whole or in part, or otherwise dealt with by the mortgagee by any form of deed or instrument sufficient (in law) for that purpose. But such deed, mortgage or other instrument and all instruments assigning, extending, discharging, releasing or otherwise dealing with the same, shall be registered, and shall take effect upon the title only from the time of registration.

§ 54. The registration of a mortgage shall be made in the following manner:

The owner's duplicate certificate shall be presented to the registrar, together with the mortgage deed, or other instrument to be registered, and the registrar shall enter upon the original certificate of title and also upon the owner's duplicate certificate, a memorial for the purport of the instrument registered, the exact time of filing and the file number of same. He shall also note upon the registered instrument the time of filing and a reference to the volume and page where it is registered. The registrar shall also at the request of the mortgagee, make and deliver to him a duplicate certificate of title like the owner's duplicate certificate except that the words "Mortgagee's Duplicate" shall be written or printed diagonally across its face in large letters. A memorandum of the issuance of the mortgagee's duplicate shall be made upon the original certificate of title.

§ 55. When a mortgage, upon which a mortgagee's duplicate has been issued, is assigned, extended, or otherwise dealt with, the mortgagee's duplicate shall be presented to the registrar, together with the instrument shall be made upon the mortgagee's duplicate and upon the original certificate of title. When the mortgage is discharged or otherwise extinguished the mortgagee's duplicate shall be surrendered and stamped "Cancelled." In case only a part of the mortgage upon the land is intended to be released or discharged, a memorial of such partial release shall

be entered. The production of the mortgagee's duplicate certificate shall be conclusive authority to register the instrument therewith presented.

§ 56. NOTICE OF PENDENCY.] Mortgages upon registered land may be foreclosed in the same manner as mortgages upon unregistered land. It shall be sufficient to authorize the foreclosure thereof, by advertisement, if such mortgage and all assignments thereof shall have been registered, and a memorial thereof duly entered upon the certificate of title; provided, further, that when a mortgage upon registered land is foreclosed by advertisement, the notice of foreclosure shall state the date of the mortgage, when and where registered, and the fact of registration. All laws relating to the foreclosing of mortgages upon unregistered land shall apply to mortgages upon registered land, or any estate or interest therein, except as herein provided, and except that a notice of pendency of any suit or proceeding to enforce or foreclose the mortgage or other charge upon the land shall be filed with the registrar and a memorial thereof entered on the register at the time of or prior to the commencement to such action or proceeding. A notice so filed and registered shall be notice to the registrar and to all persons thereafter dealing with the land or any part thereof. When a mortgagee's duplicate certificate has been issued it shall be presented to the registrar at the time of filing and a memorial thereof entered therein. In all such foreclosures all certificates and affidavits permitted or required by law to be recorded with the register of deeds shall be filed with the registrar and registered by him.

§ 57. Any person who has by action or other proceeding to enforce or foreclose a mortgage, lien or other charge upon registered land, become the owner in fee of the land or any part thereof may have his title registered. He shall apply by duly verified petition to the Court for a new certificate of title to such land, and the court shall thereupon, after due notice to all parties in interest and upon such hearing as the court shall direct, make an order or decree for the issuance of a new certificate of title to the person entitled thereto, and the registrar shall thereupon enter a new certificate of title to the land, or of the part thereof to which the applicant is entitled, and issue an owner's duplicate as in the case of voluntary conveyance.

§ 58. A judgment or decree affecting registered land shall be registered upon the presentation of a certified copy thereof to the registrar, who shall enter a memorial thereof upon the original certificate of title, and upon the owner's duplicate, and upon any outstanding mortgagee's or lessee's duplicate, if practicable so to do. When the registered owner of such land is by such judgment or decree divested of his estate in fee therein, or any part thereof, the prevailing party shall be entitled to a new certificate of title for the land, or so much thereof as may be described in the judgment and decree, and the registrar shall enter such new certificate

of title and issue a new owner's duplicate certificate as in the case of a voluntary conveyance; provided, however, that no such new certificate shall be entered except upon application to the court and upon filing with the registrar of an order of the court directing the entry of such new certificate.

§ 59. Leases of registered land for a term of three years or more shall be registered in lieu of recording the same. All the provisions of this law relating to the registration of mortgages shall apply to the registration of leases so far as the same are applicable thereto.

§ 60. If a deed or other instrument is filed with the registrar for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest therein without the transfer thereof, the particulars of the trust, condition, limitation or other equitable interest need not be entered upon the certificate of title, but a memorial thereof may be entered by the words "in trust" or "upon condition" or other apt words, and by reference by number to the instrument authorizing or creating the same. A similar memorial shall be made upon the owner's duplicate certificate. If the instrument which creates or declares a trust or other equitable interest has already been recorded in any public office of this state, a certified copy thereof may be filed with the registrar and registered by him in lieu of the original. If the instrument which creates or declares a trust or other equitable interest contains an express power to sell, mortgage or otherwise deal with the land, such power shall be stated in the certificate of title by the words, "with power to sell" or "power to mortgage" and by apt words of description in case of other powers. No instrument which transfers, mortgages, or in any manner purports to deal with registered land held in trust shall be registered unless the power thereto enabling is expressly conferred in the instrument of trust and the court has construed the instrument in favor of the power. In such case a certified copy of such decree may be filed with the registrar, who shall make registration in accordance therewith. No transfer of registered land held in trust, or of any estate or interest therein, or of any charge or lien upon the same, shall be registered except upon the order of the district court, filed with the registrar adjudging and determining the true intent of the trust, condition or limitation, and directing such transfer, charge or dealing in accordance therewith. Such registration shall be conclusive evidence that such transfer, charge or other dealing is in accordance with the true intent and meaning of the trust, condition or limitation.

§ 61. When a new trustee of registered land is appointed a new certificate of title shall be entered in his name upon presentation to the registrar of a certified copy of the decree or other instrument appointing him, and the surrender of the duplicate certificate.

§ 62. No judgment requiring the payment of money shall be a lien upon registered land, except as herein provided. Any person claiming such lien shall file with the registrar a certified copy of the judgment together with a written statement containing a description of each parcel of land upon which the lien is claimed, and a proper reference to the certificate or certificates of title to such land. Upon filing such copy and statement, the registrar shall enter a memorial of such judgment upon each certificate designated in such statement, and the judgment shall thereupon be and become a lien upon the land described in such certificate or certificates. At any time after filing the certified copy of such judgments, any person claiming the lien may, by filing a written statement as herein provided, cause a memorial of such judgment to be entered upon any certificate of title to land not described in any previous statement and the judgment shall thereupon be and become a lien upon such land. The judgment shall survive and the lien thereof shall continue for a period of ten years from the date of said judgment and no longer. In every case where an instrument of any description or a copy of any writ, order or decree is required by law to be filed or recorded in order to create or preserve any lien, writ or attachment upon unregistered land, such instrument or copy, if intended to effect registered land, shall, in lieu of recording, be filed and registered with the registrar. In addition to any facts required by law to be stated in such instrument to entitle them to be filed or recorded they shall also contain a reference, to the number of the certificate of title of the land to be affected, and, if the attachment, charge or lien is not claimed on all the land described in any certificate of title, such instruments shall contain a description sufficient to identify the land.

§ 63. Attachments and liens of every description upon registered land shall be continued, reduced, discharged and dissolved by any method sufficient therefor in the case of unregistered land. All certificates, writings, or other instruments permitted or required by law to be filed or recorded to give effect to the enforcement, continuance, reduction, discharge, or dissolution of attachments or other liens upon unregistered land or to give notice of this same shall in the case of like liens upon registered land be filed with the registrar.

§ 64. The name and address of the plaintiff's attorney shall in all cases be endorsed upon the instrument which is registered, and he shall be deemed to be the attorney of the plaintiff until a written notice that he has ceased to be such attorney shall have been filed by registration for the plaintiff.

§ 65. A certificate of the clerk of the court in which any action or proceeding shall have been pending, or in which any judgment or decree is of record, that such action has been dismissed or otherwise disposed of, or that the judgment, decree or order has been assigned, satisfied, released or reversed, or the certificate of any sheriff, or other officer, that the levy of any exe-

cution, attachment, or other process has been released, discharged or otherwise disposed of being duly filed and noted upon the register shall be sufficient to authorize the registrar to cancel, or otherwise treat the memorial thereof according to the purport of such certificate.

§ 66. Upon the expiration of the time allowed by law for redemption of registered land, after it has been set off, or sold on execution or taken or sold for the enforcement of any lien, or charge of any nature, the person who claims under such execution, or under any certificate, deed or other instrument made in the course of proceedings to enforce such execution or lien, may apply to the court for an order directing the entry of a new certificate to him, and upon such notice as the court may require, the petition shall be heard and a proper order or decree rendered therein.

§ 67. When the owner of registered land, or of any estate or interest therein dies, having devised the same by will, the person or persons entitled thereto may file with the registrar a certified copy of such will, together with a certified copy of the order of the probate court admitting it to probate, and of the final decree of the probate court assigning the same, together with the duplicate certificate issued to the testator, and thereupon the registrar shall cancel the duplicate certificate issued to the testator, and issue a new duplicate certificate or certificates to the persons designated in such final decree. When the owner of registered land or any estate or interest therein dies, not having devised the same, the person entitled thereto by law may file with the registrar a certified copy of the final decree of the probate court assigning the same together with the duplicate certificate issued to the intestate, and thereupon the registrar shall cancel the duplicate certificate issued to the intestate, and issue a new duplicate certificate or certificates to any persons named in said final decree as being entitled thereto. If any executor or administrator with the will annexed is authorized by the terms of any will to grant, bargain, sell, convey or mortgage registered land, he may do so in the same manner as if the land were registered in his name as such executor or administrator, provided, however, that such executor or administrator shall first file with the registrar a certified copy of the order of the probate court admitting the same to probate, and of the letters testamentary or with the will annexed issued to him thereon.

§ 68. Nothing contained in this act shall impair or affect the jurisdiction of the probate court to license any executor, administrator or guardian to sell or mortgage registered land. A purchaser or mortgagee receiving a deed or mortgage executed pursuant to such license shall be entitled to register his title and to the entry of a new certificate of title or memorial or registration in the same manner as upon any similar voluntary transfer of registered land; provided that no certificates shall be issued pursuant to the provisions of this section or of the preceding section except upon the order of the district court directing the issuance thereof.

§ 69.] Any person claiming any right, title, or interest in registered land adverse to the registered owner thereof arising subsequent to the date of original registration, may, if no other provision is made in this act for registering the same, file with the registrar his verified statement in writing, setting forth fully his alleged right or interest, and how or from whom it was acquired, and a reference to the volume and page of the certificate of title of the registered owner, together with a description of the land, the adverse claimant's residence, and designating the place at which all notices may be served upon him. Such statement shall be entitled to registration as an adverse claim, and the court upon the petition of any party in interest shall grant a speedy hearing upon the validity of such adverse claim, and shall enter such decision and decree therein as justice and equity may require. If the adverse claim is adjudged to be invalid, the registration thereof shall be cancelled. The court may, in any case, award such costs and damages, including a reasonable attorney's fee, as it may deem just.

§ 70.] No erasure, alteration or amendment shall be made upon the register of titles after the entry of a certificate of title, or of any memorial thereon and the attestation of the same by the registrar, except by order of the court. A registered owner or other person in interest may, at any time apply by petition to the court, upon the grounds that the registered interest of any description, whether vested, contingent, expectant or inchoate, have terminated and ceased; or that new interest have arisen or been created which do not appear upon the certificate; or that any error or omission was made in entering a certificate or any memorial thereon, or on any duplicate; or that the name of any person on the certificate has been changed; or that the registered owner has married, or, if registered as married, that the marriage has been terminated; or that a corporation which has owned registered land and has been dissolved, has not conveyed the same within three years after its dissolution; or upon any other reasonable ground, and the court may hear and determine the petition after notice to all parties in interest, and may order the entry of a new certificate, the entry or cancellation of a memorial upon a certificate, or grant any other relief upon such terms, requiring security if necessary, as it may consider proper; but the provisions of this section shall not give the court authority to open the original decree of registration, and nothing shall be done or ordered by the court which shall impair the title or other interest of a purchaser who holds a certificate for value and in good faith, or of his heirs or assigns, without his or their written consent.

§ 71.] Any act which may legally be done or performed by any person under this act may be done or performed by his agent thereto duly authorized in writing. Such instrument or power of attorney shall be executed and acknowledged as now required by law in the case of a deed, and shall be filed with the registrar

and registered by him. Any instrument revoking such power of attorney shall be executed, acknowledged and registered in like manner.

§ 72.] If the land of a registered owner or any right, title, interest or estate therein is taken by eminent domain, the state or body politic, or other authority which exercises such right, shall file for registration a written instrument containing a description of the land so taken, together with the name of each owner thereof, and referring to each certificate of title by its number and place of registration in the register of titles, and stating what estate or interest in the land is taken, and for what purpose. A memorial of the right, title, interest or estate thus taken shall be made upon each certificate of title by the registrar, and if the fee is taken a new certificate shall be entered in the name of the owner for the land remaining to him after such taking. If the owner has a lien upon the land thus taken for his damages this fact shall be stated in the memorial of registration. All fees on account of any memorial of registration or entry of new certificates for land thus taken shall be paid by the state or body politic, or other authority which takes the land.

If land which was taken for public use reverts, by operation of law, to the owner or to his heirs or assigns, the district court upon the application of the person entitled to the benefits of such reversion, and after due notice and hearing, may order the entry of a new certificate of title to the person or persons entitled thereto.

§ 73.] Upon the original registration of land, and also upon the registration of any land by the heirs or devisees of any deceased person, there shall be paid to the registrar one-tenth of one per cent of the assessed value of the land, exclusive of improvements, as determined by the last official assessment for general taxation.

§ 74.] All money received by the registrar under the provision of the preceding section shall immediately be paid by him to the county treasurer as an assurance fund. The county treasurer shall invest the same upon the order of the district court, and subject to its approval. The assurance fund shall only be invested in bonds of the United States, or of the State of North Dakota, or of any County or municipality thereof. The county treasurer shall render to the district court, at least once a year, a full and detailed report, showing all receipts, disbursements and investments on account of such funds.

§ 75.] Any person who without negligence on his part, sustains any loss or damage by reason of any omission, mistake or malfeasance of the registrar or his deputy, or of any examiner or of any clerk of court or his deputy, in the performance of their respective duties under this law, and any person who without negligence on his part, is wrongfully deprived of any land or any interest therein by the registration thereof, or by reason of the registration of any other person, as the owner of such land, or by reason of any mistake, omission or misdescription in any certifi-

cate of title or in any entry or memorial or by any cancellation, in the register of titles, and who, by the provisions of this law, is precluded from bringing an action for the recovery of such land, or of any interest therein, or from enforcing any claim or lien upon the same, may institute an action in the district court to recover compensation out of the assurance fund for such loss or damage.

§ 76.] If such action is brought to recover any loss or damage occasioned solely by the registration of such land, or solely by the registration of any other person as the owner thereof, or if such action be brought for the recovery of any loss or damage occasioned solely by the omission, mistake, or malfeasance of the officers above named, or of the examiner or of any clerk of court, or his deputy, in the performance of their respective duties, the county treasurer, in his official capacity, shall be the sole defendant. If such action be brought to recover for any loss or damage occasioned either wholly or in part, by the fraud, or wrongful act of some person or persons other than the officers herein named, or to recover for any loss or damage caused jointly by the fraud, or wrongful act, and by the omission, mistake or malfeasance of the officers above named, or of any of them, and of some other person or persons, the county treasurer in his official capacity and such other person or persons shall be joined as defendants therein. In any action where there are defendants other than the county treasurer, no execution shall issue against such treasurer until execution against all other defendants against whom judgment has been recovered has been returned, unsatisfied, either in whole or in part. An officer returning such execution shall certify thereon that the amount still due upon the execution cannot be collected from them. Thereupon the court being satisfied as to the truth of said return, shall order the county treasurer to pay the amount due upon such execution out of the assurance fund. If the assurance fund is insufficient to pay the amount of any judgment in full, the unpaid balance thereof shall bear interest at the legal rate, and shall be paid out of the first moneys coming into said assurance fund. The county attorney shall defend the county treasurer in all such actions.

§ 77. No person shall recover from the assurance fund any sum whatsoever by reason of any loss, damage or deprivation occasioned solely by a breach of trust on the part of any registered owner who is a trustee, or by the improper exercise of any power of sale in a mortgage, nor shall any person recover from the assurance fund any greater sum than the fair market value of the real estate at the time of the last payment into such fund on account thereof.

§ 78.] Any action or proceeding to recover damages out of the assurance fund shall be commenced within six years from the time when the right to commence the same accrued, and not afterwards. Provided, that if, at the time the right accrued, the person entitled to bring such action or proceeding is a minor, or insane, or in prison, or absent from the United States in its service or in the service of the state, such person or any one claiming under

him may commence such action or proceeding within two years after such disability is removed.

§ 79.] Whoever fraudulently procures, or assists in fraudulently procuring, or is privy to the fraudulent procurement of any certificate of title, or other instrument, or of any entry in the register of titles or book kept in the office of the registrar, or of any erasure or alteration in any entry in any of said books or in any instrument authorized by this act, or knowingly defrauds or is privy to defrauding any person by means of a false or fraudulent instrument, certificate, statement or affidavit, affecting registered land shall be guilty of a felony punishable by a fine not exceeding \$5,000 or by imprisonment not exceeding five years, or by both.

§ 80. On the filing of any application for registration the applicant shall pay the clerk of the court the sum of three dollars which shall be in full of all clerk's fees and charges in such proceeding on his behalf. Any defendant on entering his appearance shall pay a like sum, which shall be in full of all clerk's fees on his behalf.

When any number of defendants enter their appearance jointly but one fee shall be paid. Every publication in a newspaper required by law shall be paid for by the party on whose application the publication is made. The party at whose request any notice is issued shall pay for the service of same, except when sent by mail by the clerk or by the registrar.

§ 81.] The fees to be paid to the registrar to be as follows:

1. At or before the time of filing certified copy of the application for registration the applicant shall pay, if the land have an assessed valuation of (\$1,000) one thousand dollars or less, the sum of three dollars (\$3); if assessed for more, the further sum of (\$1) one dollar for each additional (\$1,000) one thousand dollars valuation, or major fraction thereof.

2. For registering each original certificate of title and issuing a duplicate thereof, two dollars (\$2).

3. For registering each transfer, including the filing of all instruments connected therewith, and the issuance and registration of the new certificate of title, three dollars (\$3).

4. For the entry of each memorial on the register, or the cancellation thereof, including the filing of all instruments and papers connected therewith and endorsements on duplicate certificate, one dollar (\$1.00) provided, that when the entry of this same memorial, or cancellation thereof is required to be made on more than two certificates held by the same owner, the fee for such entry on each certificate in excess of two, shall be twenty-five cents (25c).

5. For issuing each additional mortgagee's or lessee's duplicate, one dollar (\$1).

6. For issuing each residue certificate, two dollars (\$2).

7. For filing copy of will, with letters testamentary, or copy of letters of administration, and entering memorial thereof, two dollars (\$2).

8. For issuing separate certificates and duplicate thereof, in exchange for one certificate for two or more distinct parcels, for each exchange certificate, one dollar (\$1).

9. For each additional certificate showing condition of the register, one dollar (\$1).

10. For any certified copy of any instrument or writing on file in his office, the same fee as allowed by law to register of deeds for like services.

11. For any other service under this chapter, such fee as the court shall determine.

§ 82.] This Act shall take effect in each county in the state in the following manner: It is hereby made the duty of the Board of County Commissioners in each county of this state, when requested so to do by a petition signed by at least ten per cent of the freeholders of the county, to provide each Register of Deeds with the necessary books, supplies and stationery required by this Act on or before that date, and to fix the bond required for each registrar. It shall be the duty of each Register of Deeds in the several counties to qualify as registrar under this act by filing a bond as required by the Board of County Commissioners, and taking the oath of office as registrar. Deputy register of deeds shall qualify in like manner as their chiefs.

Approved March 8, 1917.

TOWNSHIPS

CHAPTER 236.

[H. B. No. 80—O'Connor of Pembina.]

COMPENSATION OF TOWNSHIP CLERK AND SUPERVISORS.

An Act to Amend and Re-enact Section 4220 of the Compiled Laws of North Dakota, for the year 1913, Relating to the Compensation of the Township Clerk and Supervisors.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4220 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

§ 4220. COMPENSATION OF CLERK AND SUPERVISORS.] The Township Clerk and Supervisors shall receive for their services, three dollars (\$3.00) per day for each day necessarily devoted by them to the work of their offices and the further sum of five cents (5 cents) per mile for each mile actually and necessarily traveled in the performance of their duties; but no township supervisor shall receive more than fifty dollars (\$50.00) as his compensation in any one year; provided, that the township clerk shall be paid fees for the following and not a per diem: For serving notices of elec-

tion upon township officers, as required by law, twenty-five cents (25 cents) each; for filing any papers required by law to be filed in his office, ten cents (10 cents) each; for posting notices required by law, twenty-five cents (25 cents) each; for recording any order or any instrument or writing authorized by law, ten cents (10 cents) for each one hundred words; for copying any record or instrument on file in his office and certifying the same, ten cents (10 cents) for each one hundred words, to be paid for by the person for the same.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

Approved February 20, 1917.

TRADE-MARK

CHAPTER 237.

[S. B. No. 36—Haggart.]

TRADE MARK.

An Act to Establish a Trade-Mark for North Dakota Products; to Provide Standards for Products on which the Trade-Mark may be Used; to Provide for Proper Registration and Licensing and Other Things in Connection with the Use of the said Trade-Mark.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. TRADE-MARK DEFINED.] There is hereby established a trade-mark to be used on North Dakota products of a standard grade as established under the provisions of this act; the said trade-mark to consist of an arch, the keystone of which will have the words "Quality and Measure" printed on same; hanging directly below the keystone will be a set of scales, and on the main body of the arch will be the words "North Dakota," directly below the scales "Standard," will be printed on a ribbon. Below the ribbon afore mentioned and in front of the four Ionic pillars will be the map of North Dakota. Directly below said map will be the words "State Trade-Mark." And provision shall be made for receiving license number. The entire superstruction will be supported by a foundation representing steps, on the lower step will be printed the words "North Dakota Backs It Up." Place will also be left for the firm name when so desired. The said trade-mark may be in colors or in black and white, as provided for by the Food Commissioner.

§ 2. DUTIES OF THE FOOD COMMISSIONER.] It shall be the duty of the Food Commissioner at Fargo to see that the provisions of the said Act are enforced and complied with, and the Food Commissioner shall have authority to establish standards of purity.

quality and strength for all products and classes of products on which the North Dakota trade-mark may be used; and the said trade-mark shall be used upon no other products than those for which standards have been established and proclaimed as official by the Food Commissioner.

§ 3. RULES AND REGULATIONS.] The Food Commissioner shall make such rules and regulations as may be necessary within the provisions of this Act that the same may be put in force, and do such other matters relative to the successful execution of the provisions of this act as he shall deem proper.

§ 4. LICENSE, HOW PROCURED.] Any person, firm, corporation or organization desiring to use the North Dakota trade-mark on any article grown, manufactured or produced in North Dakota, shall make application to the Food Commissioner, on blanks properly prepared, setting forth the nature of the article on which the said trade-mark is to be used, and after investigation the Food Commissioner shall issue an order on the Secretary of the State for a license for one year for the use of said trade-mark on an article conforming with the standards established for the said article or product.

§ 5. LICENSE, WHEN FORFEITED.] Any person, firm, corporation or organization who uses the said license in any way without due authority of law on products which do not conform with the standards as established, or who fails to insert the license number, or falsely inserts any number not assigned thereto, shall have his license revoked by the Food Commissioner.

§ 6. DUTIES OF THE SECRETARY OF STATE.] All applications for licenses, when approved by the Food Commissioner, shall be transmitted to the Secretary of State, who, on the authority of the Food Commissioner, shall issue the said license and a license number for the product on which the trade-mark is to be used and shall keep at all times, of easy access to the public, a record showing the names of all persons, firms, corporations or organizations who have authority to use the trade-mark, together with their addresses. When a license has been issued by the Secretary of State he shall so notify the Food Commissioner, furnishing also the number assigned.

§ 7. FEES.] The fees for registration and permission to use the North Dakota trade-mark shall be \$5.00 and \$1.00 annually for renewals, the same to be paid to the Food Commissioner on making application for a license.

§ 8. WHO SHALL FURNISH TRADE-MARK.] The trade-mark in various sizes as needed shall be furnished by the Food Commissioner on payment of cost of producing the same to all those who have made proper registration and to whom a license has been issued during the life of said license.

§ 9. PENALTIES.] Any person, firm, corporation or organization using the said North Dakota trade-mark, as herein provided for, without complying with the provisions of the law, or without

first having registered their product, or who fails to include in the trade-mark, as provided for, his license number or who uses a license number not assigned to him, or who uses the trade-mark upon an article not conforming with the standards as provided for, is guilty of a misdemeanor and shall be fined for the first offense from \$10.00 to \$100.00, together with all costs; for the second offense the fine shall not be less than \$100.00 nor more than \$1,000.00, together with costs, or sixty (60) days in jail, or both, at the discretion of the court.

§ 10. INVESTIGATIONS.] It shall be the duty of the Food Commissioner or his authorized deputies to make investigations to determine the character of the products offered for sale in the state or which are shipped from the state under the North Dakota trade-mark, and the information so gathered shall be published from time to time as bulletins, and the said Food Commissioner shall make an annual report accounting for all funds for each fiscal year and give a list of all products licensed together with the name, address and license number assigned.

§ 11. STANDING APPROPRIATION.] All moneys which shall come into the Food Commissioner on account of the Trade-mark law and the licenses thereunder for North Dakota, or so much thereof as may be necessary, are hereby annually appropriated for the payment of the salaries, fees, and expenses provided for in this article to be disbursed on the order of the Food Commissioner; and all such moneys so received shall be paid at the end of each month by the Food Commissioner into the hands of the Treasurer of the Agricultural College. Any unused portion at the end of the year shall remain and be known as the "Trade-Mark Fund" to be used for the purpose of investigation and publishing the information with regard to the products and standards used in connection therewith: And for this purpose the Food Commissioner is authorized to publish bulletins giving information by him deemed of value to the general public.

Approved February 10, 1917.

TRADING STAMPS

CHAPTER 238.

[H. B. No. 427—Cole.]

TRADING STAMPS.

An Act relating to and Regulating the use and Furnishing of Trading Stamps or other Similar Schemes or Devices or Substitutes therefor, for or with the Sale of Goods, Wares and Merchandise and Providing a Penalty for Violation Thereof.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Every person, firm or corporation who shall use, and every person, firm or corporation who shall furnish to any other person, firm or corporation to use in, with or for the sale of any goods, wares, or merchandise, any stamps, coupons, tickets, certificates, cards, or other similar schemes or devices which shall entitle the purchaser receiving the same with such sale of goods, wares or merchandise to procure from any person, firm or corporation any goods, wares or merchandise, free of charge or for less than the retail market price thereof, upon the production of any number of said stamps, coupons, tickets, certificates, cards, or other similar devices, shall before so furnishing, selling or using the same obtain a separate license from the Auditor of each county wherein such furnishing or selling or using shall take place for each and every store or place of business in that County, owned or conducted by such person, firm or corporation from which such furnishing or selling, or in which such using, shall take place. Provided that this act shall not apply to using or furnishing coupons, tickets, certificates, cards or similar devices contained in or attached to the original package of said goods, wares or merchandise, by the manufacturer, jobber, distributor or packer thereof, and directly redeemable by the manufacturer, jobber, distributor, packer or retailer of such goods, wares or merchandise.

§ 2. In order to obtain such license, the person, firm or corporation applying therefor shall pay to the County Treasurer of the County for which such license is sought the sum of six thousand dollars, and upon such payment being made to the County Treasurer he shall issue his receipt therefor which shall be presented to the Auditor of the same county, who shall upon the presentation thereof issue to the person, firm or corporation making such payment a license to furnish or sell, or a license to use, for one year, the stamps, coupons, tickets, certificates, cards, or other similar devices mentioned in Section 1 of this Act. Such license shall contain the name of the grantee thereof, the date of issue, the date of

its expiration, the town or city in which and the location at which the same shall be used, and such license shall be used at no place other than that mentioned therein.

§ 3. No person, firm or corporation shall furnish or sell to any other person, firm or corporation, to use, in, with, or for the sale of any goods, wares, or merchandise, any such stamps, coupons, tickets, certificates, cards, or other similar devices for use in any town, city or county in this State other than that in which such furnishing or selling shall take place.

§ 4. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor.

Approved March 15, 1917.

TRANSFER OF PROPERTY

CHAPTER 239.

[H. B. No. 194—Tennessee.]

INSTRUMENTS AFFECTING REAL AND PERSONAL PROPERTY.

An Act Requiring an Instrument Affecting Real and Personal Property, Executed by or taken in a Representative Capacity, to Identify the Beneficiary and the Nature of the Trust.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] All instruments relating to real and personal property which have heretofore or which shall hereafter be executed by or to any person as trustee, guardian, executor, administrator, or in any other representative capacity, and which shall fail to clearly identify the beneficiary by name and the nature of the trust, the qualifying words in such instrument shall be treated as surplusage and as description only of the person by whom or to whom such instrument was executed.

§ 2. All instruments affecting real and personal property in this state heretofore executed by or to any person purporting to be in a representative capacity, which shall fail to clearly identify the beneficiary and the nature of the trust, the person by or to whom such instrument was executed may within six months after the taking effect of this act, file and have recorded in the office of the register of deeds of the county in which such instrument was recorded, a statement in writing, referring to any such instrument by date, name of the parties, when and where recorded, the nature of the instrument, a description of the property affected thereby, and fully and clearly by name identify the beneficiary and the na-

ture of the trust, and which statement shall be acknowledged so as to entitle the same to record.

§ 3.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1917.

TUBERCULOSIS SANATORIUM

CHAPTER 240.

[S. B. No. 228—Benson.]

MAINTENANCE OF PATIENTS IN STATE TUBERCULOSIS SANATORIUM.

An Act to Amend and Re-enact Section 2588 of the Compiled Laws of North Dakota for the year 1913, as Amended by Section 1 of Chapter 264 of the Session Laws of North Dakota for the year 1915, Relating to the Cost of Maintenance of Patients in the State Tuberculosis Sanatorium.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 2588 of the Compiled Laws of North Dakota for the year 1913 as amended by Section 1 of Chapter 264 of the Session Laws of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

§ 2588. COST OF MAINTENANCE OF PATIENTS. HOW PAID.] All persons admitted as patients to the sanatorium shall pay to said institution the cost of their maintenance. The charges for any patient or patients may, however, be paid by any person or persons or society. The determination of each sum shall be made by the superintendent with the approval of the Board of Control. Any person who is unable to pay the charges for his or her support may be admitted to the sanatorium if it has been determined by the examining physician that such person is suffering from pulmonary tuberculosis, provided, however, that before such person shall be admitted to the sanatorium, he or she shall have a statement from the judge of the county court of the county within which he or she resides, setting forth the fact that he or she is unable to pay the regular charges. Said judge, upon the presentation of the report of the duly authorized examining physician that such person is afflicted with pulmonary tuberculosis, shall make an investigation and shall require such person to give full and correct answers to a property statement in the same manner as prescribed for admission of patients to the Hospital for the Insane by section 2560 of the Compiled Laws of North Dakota for the year 1913. and if he finds that such applicant or his legal representatives are actually unable to pay such charges, he shall approve in writing the applica-

tion of such person. Said judge shall immediately forward to the superintendent of the Sanatorium a certificate in writing, giving the correct postoffice address of the parent, guardian or next of kin of such patient and stating that said patient is unable to pay such charges and he or she is a resident of the county in which such application has been approved, together with a copy of said property statement. The county from which such patient has been so certified shall be charged with the maintenance of such patient at the rate of ten dollars per week during the time that he or she remains in such institution as an inmate. Such charge shall be collected in the manner provided in Sections 2568 to 2579, inclusive, of the Compiled Laws of North Dakota for 1913; provided, however, the admission of every patient shall be subject to the final approval of the superintendent and the Board of Control.

Approved March 9, 1917.

VETO

CHAPTER 241.

[S. B. No. 102—Nelson of Grand Forks and Benson of Rollette.]

CAUSES FOR DIVORCE.

An Act to Amend and Re-enact Section 4380 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 121 of the Session Laws 1915, Relating to Causes for Divorce.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 102, an Act to amend and re-enact Section 4380 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 121 of the Session Laws 1915, relating to causes for divorce.

Inasmuch as the only amendment made to the present law is to broaden the grounds for Divorce by reason of Insanity, and believing that the present law is at least broad enough, I disapprove this act.

Very respectfully yours,
LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 4380 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 121 of

the Session Laws of 1915, be and the same is hereby amended to read as follows:

§ 4380. CAUSES FOR DIVORCE.] Divorce may be granted for any of the following reasons:

1. Adultery.
2. Extreme cruelty.
3. Willful desertion.
4. Willful neglect.
5. Habitual Intemperance.
6. Conviction of Felony.

7. Insanity for the character and under the conditions herein-after provided: It being provided that no divorce shall be granted because of insanity unless the insane person shall at the time of the institution of the action, and at the time of the granting of the divorce, be an inmate of a State Institution for the Insane, in the State of North Dakota, it being further provided that no divorce shall be granted until it shall be made to appear to the court, by the testimony of three reputable physicians, one of whom shall be the Superintendent of the State Institution for Insane, who shall receive no additional compensation therefor, in which the said insane person is then confined; that the said insane person is suffering from some form of insanity which all three shall agree is incurable; and it is further provided, that no divorce shall be granted until it shall be made to appear to the court by competent evidence that the said insane person has been afflicted with insanity and confined in a North Dakota State Hospital for the Insane for the period of not less than five consecutive years, next preceding the institution of said suit for divorce.

Disapproved March 16, 1917.

CHAPTER 242.

[H. B. No. 318—Moen of Adams.]

APPROPRIATION—DEFICIT AGRICULTURAL SUB-EXPERIMENT STATION.

An Act Making an Appropriation to Cover Deficit in the Accounts of the Agricultural Sub-Experiment Station at Hettinger, Adams County, North Dakota.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 318, an act making an appropriation to cover deficit in the accounts of the agricultural sub-experiment station at Hettinger, Adams County, North Dakota,

without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
 LYNN J. FRAZIER,
 Governor.

PREAMBLE: Whereas, Governor Hanna on March 21st, 1913, vetoed House Bill No. 193 of the 13th Legislative Assembly which appropriated \$9,649.26 for the purpose of providing for the payment of certain outstanding indebtedness, the salary of the superintendent of the station and for bill paid by him for merchants' bills payable.

Whereas, said veto prevented the payment of these bills; therefore,

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **APPROPRIATION.**] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$8,000.00 or so much thereof as may be necessary for the purpose of covering a deficit in the accounts of the agricultural sub-experiment station at Hettinger, Adams County, incurred for the maintenance of this institution prior to January 1st, 1913.

Disapproved March 16, 1917.

CHAPTER 243.

[H. B. No. 236—Committee on Appropriations.]

APPROPRIATION—ENCOURAGING IMMIGRATION.

An Act Making an Appropriation for the Purpose of Encouraging Immigration.

VETO.

Bismarck, North Dakota, March 16, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 236, an Act making an appropriation for the Purpose of encouraging immigration, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,
 LYNN J. FRAZIER,
 Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. **APPROPRIATION.**] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$1,000.00 or so much thereof as may be necessary for the purpose of promoting immigration, as provided by Section 649, Compiled Laws of North Dakota for the year 1913.

Disapproved March 16, 1917.

CHAPTER 244.

[H. B. No. 6—Fraser.]

DISTRICT JUDGES—EXPENSES WHEN ACTING OUTSIDE HOME COUNTIES.

An Act to Amend and Re-enact Sections 7644 of the Compiled Laws of North Dakota for the year 1913, Relating to When Another Judge May be Called for Prejudice or Bias in Trials of Civil Actions in District Court on the Ground of Prejudice of the Trial Judge, and to Provide for the Payment of the Expenses of District Judges when Acting Outside of their Home Counties and Making an Appropriation Therefor.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 6, an Act to amend and re-enact Sections 7644 of the Compiled Laws of North Dakota for the year 1913, relating to when another Judge may be called for prejudice or bias in trials of civil actions in District Court on the grounds of prejudice of the Trial Judge, and to provide for the payment of the expenses of District Judges when acting outside of their home counties and making an appropriation therefor, without my approval for the reasons that Section 2 provides for the expenses of District Judges while performing official duties outside their own counties and outside of their own districts.

I believe it would be unfair to put the expenses of Judges while outside their own districts upon the state and for the further reasons that Section 3 provides for an appropriation of \$3,600 and the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.*Be it Enacted by the Legislative Assembly of the State of North Dakota.*

§ 1. AMENDMENT.] Section 7644 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 7644. WHEN ANOTHER JUDGE MAY BE CALLED FOR PREJUDICE OR BIAS.] When either party to a civil action pending in any of the district courts of the state shall, after issue joined and before the opening of any term at which the cause is to be tried, file an affidavit, corroborated by the affidavit of his attorney in such cause and that of at least one other reputable person, stating that there is good reason to believe that such party cannot have a fair and impartial trial of said action by reason of the prejudice, bias or interest of the judge of the district court in which the action is pending, the court shall proceed no further in the action,

but shall forthwith request, arrange for and procure the judge of some other judicial district of the state to preside at said trial in the county of the judicial subdivision in which the action is pending.

The actual expenses of such judge while in attendance upon the trial of the cause for which the change was had and the extra expense of the court and jury, incurred by reason of said change, shall be paid by the person asking for the change, in advance or a bond to be approved by the clerk of the district court given therefor the amount of said bond not to exceed one hundred dollars being fixed by the presiding judge; provided that not more than one such change shall be granted on the application of either party.

Provided, that the attorney filing said affidavit of prejudice may by written request select two district judges of the state of North Dakota that shall not be called in to try said cause.

§ 2. DISTRICT JUDGES. CERTAIN EXPENSES. HOW PAID.] When a district judge is required to perform official duties in this state outside of his own county, the state shall be responsible for the actual and necessary expenses of said judge paid for railroad fare, going to and from his residence, and subsistence while away from his home. The same shall be paid out of the general fund of the state, upon presentation of an itemized account of such expenses as have been and will be so necessarily expended, duly certified by said Judge and audited in the same manner as the expense accounts of other state officers.

§ 3. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$3,600.00 or so much thereof as may be necessary to pay the railroad fare of district judges as provided in section one of this act.

Disapproved March 17, 1917.

CHAPTER 245.

[S. B. No. 167—Senate Appropriations Committee.]

APPROPRIATION—MILITARY GROUNDS.

An Act to appropriate \$1,000.00 for the Improvement of the Military Grounds at Devils Lake.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 167, an Act to appropriate \$1,000 for the improvement of the Military Grounds at Devils Lake, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the state treasury, the sum of \$1,000.00 for the biennial period ending July 1, 1919, for the protection of timber, care of parade grounds, removal of dead trees, and improvements of roads on the state military reservation in Ramsey County, North Dakota. Provided that the expenditure of any sum of money in excess of Fifty (\$50.00) Dollars shall be advertised and let by contract.

Disapproved March 17, 1917.

CHAPTER 246.

[H. B. No. 208—Committee on Appropriations.]

APPROPRIATION—REIMBURSEMENT ALPHONSO BOLEY.

An Act Making an Appropriation for the Reimbursement of Alphonso Boley.

VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 208, an Act making an appropriation for the reimbursement of Alphonso Boley, without my approval for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,

Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$250.00 or so much thereof as may be necessary for the reimbursement of Alphonso Boley of Mandan for the rental of certain lands and the use of certain buildings belonging to the said Alphonso Boley by the [State] Reform School.

Disapproved March 17, 1917.

CHAPTER 247.

[H. B. No. 428—Lazier.]

SPECIAL SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1240 of the Compiled Laws of 1913 of the State of North Dakota, Relating to Territory to be Attached to Special School Districts.

VETO.

Bismarck, North Dakota, March 15, 1917.

To the Honorable Secretary of State:

I file herewith House Bill No. 428, an Act to amend and re-enact Section 1240 of the Compiled Laws of 1913 of the State of North Dakota, relating to territory to be attached to special School Districts, without my approval for the following reasons:

1st. That one provision of this Bill provides for the annexing of territory to city school districts without the consent of the citizens of the territory to be annexed, which seems to be a great injustice to those people.

2nd. Should the above provision become a law it would, in one instance, at least, work a great hardship on one of our State Normal Schools by depriving them of pupils for their Training School.

Respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 1240 of the Compiled Laws of the State of North Dakota, be amended and enacted to read as follows:

§ 1240. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a Board of Education under any general law, or a special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of education thereof, upon application in writing signed by a majority of the voters of such adjacent territory; provided, that no territory shall be annexed which is at a greater distance than three miles from the central school in such special district, except upon petition signed by two thirds of the school voters residing in the territory which is at a greater distance than three miles from the central school in such special district; and upon such application being made, if such board deem it proper and to the best interests of the school of such corporation and of the territory to be attached, and order shall be issued by such board attaching such adjacent territory to such corporation for school purposes, and the same shall be entered upon the records of the board;

Provided, that when territory is sought to be annexed to a special district from a consolidated district or from any school district where the part remaining after such proposed annexation is effected would have an assessed valuation of less than \$30,000 for each one room school which must be maintained in such remaining territory, then the matter of such annexation of territory may be appealed to a board of review consisting of the County Commissioners and the County Superintendent of Schools of said county in which the territory is located. The County Commissioners and County Superintendent of Schools, or in case territory in two counties is involved, the chairman of the Board of County Commissioners and County Superintendent of Schools of each county acting as a board of review, shall have the power to affirm or reject such annexation of territory. If no appeal is taken within thirty days, or if in case of such appeal the annexation of such territory is affirmed, then such territory shall from the date of the order of the Board of such special district, be and compose a part of such corporation for school purposes, only.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and upon such school questions; provided that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided, that the county commissioners may detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and attach it to any adjacent common or special school district or districts upon petition to do so signed by three fourths of the legal voters of such adjacent territory, provided, further, that in all cases fourteen days notice of hearing before the board shall be given by publication in the nearest newspaper and posted notices in conspicuous places, three in a special district, three in the territory sought to be annexed and three in the district remaining from which the territory shall be taken. And such territory shall not become a part of the special district until five days after such hearing upon order of the board as hereinbefore provided; and all assets and liabilities shall be equalized according to section 1327.

Provided, further, that in cities wherein a special school district has been or may hereafter be established under the provisions of this act, adjacent territory lying within the city limits of such city may be annexed to such special school district, for school purposes only, without the written application of the inhabitants of such adjacent territory so lying within the city limits in the manner herein provided.

Provided also, that where a school district maintaining a school is adjacent to territory in which no school has been maintained for the past ten years, the county superintendent and county com-

missioners may upon application made to them, attach such territory to the district in which a school is maintained.

Disapproved March 15, 1917.

CHAPTER 248.

[S. B. No. 84—Gronvold.]

TERMINAL ELEVATOR COMMISSION.

An Act to Provide for the Creation of a Commission, the Selection of a Location, Erection, Leasing, Operating, Renting or Selling, one or More Terminal Elevators, either Within or Outside the State of North Dakota, and Making an Appropriation Therefor.

VETO.

Bismarck, North Dakota, March 6, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 84, an Act to provide for the creation of a commission, the selection of a location erection, leasing, operating, renting or selling, one or more terminal elevators, either within or outside the state of North Dakota, and making an appropriation therefor, without my approval for the following reasons:

1st. This Act provides for the building of an elevator or elevators by direct taxation. I feel that the taxes are high enough and in view of the condition of the state's finances and the financial condition of the people, an increase of the taxes is unwarranted and undesirable.

Our state permits cities to issue bonds for improvements such as sewers, water works, paving, electric light plants, etc. This method has proven to be the correct principle and has given general satisfaction. I believe the state should follow the same principle in the building of terminal elevators or other state-owned projects for the benefit of the farmers who pay the greater part of the state's taxes and produce most of its wealth.

2nd. I believe a state-owned terminal elevator without a state-owned flour mill to grind the wheat into flour and demonstrate its true milling value, thus showing the wide difference in the price received by the farmers for wheat and the price paid by the public for flour, would be a failure. Such an elevator in this state without a mill would be of no value unless it were large enough to handle or control all the North Dakota crop. In fact, \$300,000 would not even finance such an elevator if it were already built.

3d. This Act provides that the elevator may be built outside the state. I am satisfied that the people of North Dakota would take no pride in building such institution in another state, especially in a state where the grain gamblers still control the marketing and influence legislation in their favor. Should the elevator be built

outside the state, it would not be under the control of our laws but would be regulated by the laws of the state in which it was built. Neither would it be in keeping with the oft expressed sentiment and desires of our people to keep North Dakota institutions and money at home.

4th. I believe it to be my duty to with-hold my approval of this Act for the further reason that the Legislature appropriated money in excess of the state's available funds. It is true that there will be about \$120,000 in the terminal elevator fund, but this should be carefully protected rather than squandered by an ill-advised procedure.

5th. I am in favor of state-owned terminal elevators and flour mills built within this state and properly financed by the issue of bonds, and am satisfied that a terminal elevator in North Dakota with a state-owned flour mill would be a great success, and I firmly believe that two years from now the will of the people can not be blocked and that these institutions will then be built.

I am equally satisfied that this measure would hamper and retard real progress, discourage the people and make the struggle of the farmer against the grain gambler much harder, and will tend to block the ultimate establishment of a terminal elevator and flour milling system on a business basis that will assure success.

Believing that this proposed Act is against the best interests of both the producer and consumer, and that the best interests of the state demand a united effort for state-owned elevators and flour mills built by bond issue rather than raising the taxes, I with-hold my approval.

I am

Very respectfully yours,
LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CREATION OF COMMISSION.] There is hereby created a commission which shall be known as the North Dakota Terminal Elevator Commission.

§ 2. MEMBERSHIP OF COMMISSION.] The North Dakota Terminal Elevator Commission shall be composed of seven members, of whom the Governor, Attorney General and State Treasurer shall be ex-officio members of said Board.

§ 3. APPOINTMENT OF MEMBERS AND VACANCIES, HOW FILLED.] The Governor shall, as soon as possible after the passage and approval of this act, appoint three citizens of the state of North Dakota, one from each Congressional District, and one member at large residing either within or without the state. In the event any vacancy may occur in the membership of said commission the Governor shall immediately fill such vacancy by appointment.

§ 4. TERM OF APPOINTED MEMBERS.] Each member appointed to the North Dakota Terminal Elevator Commission shall

hold office for the period of two years from the date of his appointment.

§ 5. POWERS AND DUTIES OF THE COMMISSION.] The North Dakota Terminal Elevator Commission is hereby authorized and fully empowered to make an investigation of the location of one or more state owned terminal elevators, either within or without the state, and the approximate cost of such building and sites, and to procure plans and specifications thereof in whole or in part, to select the location, erect or construct, lease from, operate, rent to, or sell one or more terminal elevators, either within or outside the State of North Dakota and shall have full charge of all matters and things pertaining to the construction and equipment of such terminal elevator or elevators and require bond from members of employees in amounts agreed upon by said commission. The North Dakota Terminal Elevator Commission shall have full authority to prescribe rules for the operation and management of any elevator or elevators provided for under the provisions of this act and shall have authority to prescribe fees and charges to be collected for all services which said elevator may perform for its patrons or customers. The said commission shall make a report on all of their proceedings to the 16th Legislative Assembly and to the Governor of this state on or before the first day of January, 1919.

The North Dakota Terminal Elevator Commission shall have the authority to employ such help as it may deem necessary and advisable to employ and shall fix the compensation or salary, or other allowances for such employees.

The North Dakota Terminal Elevator Commission shall have full authority to expend any moneys provided for Terminal Elevator purposes in a later section of this Act, all of which expenditures shall be made in accordance with the laws of North Dakota now in effect regulating the expenditure of public funds and shall be audited in the same manner.

§ 6. COMPENSATION; PER DIEM AND EXPENSES OF MEMBERS OF THE COMMISSION.] Each member of the Commission shall be paid a per diem, which per diem shall be agreed upon by two-thirds of the members of the commission, actual and necessary traveling expenses incurred, for each day actually given to the affairs of the Terminal Elevator Commission, which shall include time occupied in travel.

A majority of the members of said commission shall constitute a quorum for the transaction of any and all business provided for in this Act.

§ 7. APPROPRIATION.] There is hereby appropriated out of the general funds in the State Treasury, not otherwise appropriated, and including therein any and all moneys now in the State Treasury, for Terminal Elevator purposes the sum of Three Hundred Thousand Dollars (\$300,000.00), or as much thereof as may be necessary,

to be used by said North Dakota Terminal Elevator Commission for the purposes hereinbefore set out.

§ 8. EMERGENCY.] Whereas, an emergency exists in this: that the proper disposition of the grain crops of the State of North Dakota is construed to be of vital interest, therefore this Act shall be deemed to be in the interests of the public peace, health and safety and shall take effect and be in force immediately after its passage and approval.

Disapproved March 6, 1917.

VACANCIES IN OFFICE

CHAPTER 249.

[S. B. No. 301—Lindstrom.]

VACANCIES.

An Act Amending and Re-enacting Section 696 of the Compiled Laws of North Dakota for 1913, Relating to Filling Vacancies.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.] That Section 696 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 696. VACANCIES. HOW FILLED.] All vacancies, except in the office of a member of the legislative assembly, shall be filled by appointment as follows:

1. In the office of states attorney in which a vacancy has occurred by reason of removal under Section 685 of the Compiled Laws of North Dakota for the year 1913, by the board of County commissioners by and with the advice and consent of the governor.

2. In county and precinct offices by the board of county commissioners, except vacancies in such board.

3. In offices of civil townships, by the justices of the peace of such township, together with the board of supervisors or a majority of them, and if a vacancy occurs from any cause in the board of supervisors, the remaining member of the board shall fill such vacancy.

4. In state and district offices by the Governor.

§ 2.] All acts or sections in conflict herewith are hereby repealed.

Approved March 15, 1917.

WAREHOUSE RECEIPTS

CHAPTER 250.

[S. B. No. 96—Hamilton.]

WAREHOUSE RECEIPTS.

An Act to Establish a Law Uniform with the Law of Other States Authorizing Persons, Firms or Corporations, Engaged in the Business of Storing Goods For Profit to Issue Warehouse Receipts on the Goods so Stored, and Prescribing the Conditions Upon Which Such Receipts Shall be Issued, The Terms Thereof, The Obligations, Rights and Liabilities of Warehousemen, and Providing for the Negotiation and Transfer of such Receipts, and Penalties for the Violation of this Act.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. WAREHOUSE RECEIPTS. ISSUANCE.] Warehouse receipts may be issued by any warehouseman.

§ 2. WAREHOUSE RECEIPTS. FORM. CONTENTS.] Warehouse Receipts need not be in any particular form, but every such receipt must embody within its written or printed terms:

- (a) The location of the warehouse where the goods are stored.
- (b) The date of the issue of the receipt.
- (c) The consecutive number of the receipt.
- (d) A statement whether the goods received will be delivered to the bearer, to a specified person, or to a specified person or his order.
- (e) The rate of storage charges.
- (f) A description of the goods or of the packages containing them.
- (g) The signature of the warehousemen, which may be made by his authorized agent.
- (h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, the fact of such ownership, and
- (i) A statement of the amount of advances and liabilities incurred for which the warehouseman claims a lien. If the precise amount of such advances made or of such liabilities incurred is, at the time of the issue of the receipt, unknown to the warehouseman or to his agent who issues it, a statement of the fact that advances have been made or liabilities incurred and the purpose thereof is sufficient.

A warehouseman shall be liable to any person injured thereby, for all damages caused by the omission from a negotiable receipt of any of the terms herein required.

§ 3. WAREHOUSE RECEIPTS. TERMS. CONDITIONS.] A Warehouseman may insert in a receipt, issued by him, any other terms and conditions, provided that such terms and conditions shall not:

(a) Be contrary to the provisions of this act.

(b) In any wise impair his obligation to exercise that degree of care in the safe-keeping of the goods entrusted to him which a reasonably careful man would exercise in regard to similar goods of his own.

§ 4. NON-NEGOTIABLE RECEIPTS.] A receipt in which it is stated that the goods received will be delivered to the depositor, or to any other specified person, is a non-negotiable receipt.

§ 5. NEGOTIABLE RECEIPTS.] A receipt in which it is stated that the goods received will be delivered to the bearer, or to the order of any person named in such receipt is a negotiable receipt. No provision shall be inserted in a negotiable receipt that it is non-negotiable. Such provision, if inserted, shall be void.

§ 6. DUPLICATES, LABELED, LIABILITY.] When more than one negotiable receipt is issued for the same goods, the words "duplicate" shall be plainly placed upon the face of every such receipt, except the one first issued. A warehouseman shall be liable for all damages caused by his failure so to do to any one who purchased the subsequent receipt for value supposing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

§ 7. NON-NEGOTIABLE RECEIPT. LABELED.] A non-negotiable receipt shall have plainly placed upon its face by the warehouseman issuing it "non-negotiable," or "not negotiable." In case of the warehouseman's failure so to do, a holder of the receipt who purchased it for value supposing it to be negotiable, may at his option, treat such receipt as imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable.

This action shall not apply, however, to letters, memoranda, or written acknowledgments of an informal character.

§ 8. DELIVERY OF GOODS ON DEMAND.] A warehouseman, in the absence of some lawful excuse provided by this act, is bound to deliver the goods upon a demand made either by the holder of a receipt for the goods or by the depositor, if such demand is accompanied with:

(a) An offer to satisfy the warehouseman's lien.

(b) An offer to surrender the receipt if negotiable, with such indorsements as would be necessary for the negotiation of the receipt, and

(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the warehouseman.

In case the warehouseman refuses or fails to deliver the goods in compliance with a demand by the holder or depositor so accom-

panied, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for such refusal.

§ 9. DELIVERING, TO WHOM.] A warehouseman is justified in delivering the goods, subject to the provisions of the three following sections, to one who is:

(a) The person lawfully entitled to the possession of the goods, or his agent.

(b) A person who is either himself entitled by the terms of a non-negotiable receipt issued for the goods, or who has written authority from the person so entitled either endorsed upon the receipt or written upon another paper, or

(c) A person in possession of a negotiable receipt by the terms of which the goods are deliverable to him or order or to bearer, or which has been endorsed to him or in blank by the person to whom delivery was promised by the terms of the receipt or by his mediate or immediate indorsee.

§ 10. DELIVERY—UNAUTHORIZED.] Where a warehouseman delivers the goods to one who is not in fact lawfully entitled to the possession of them, the warehouseman shall be liable as for conversion to all having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by sub-divisions (b) and (c) of the preceding section and though he delivered the goods as authorized by said sub-divisions he shall be so liable, if prior to such delivery he had either:

(a) Been requested, by or on behalf of the person lawfully entitled to a right of property or possession in the goods, not to make such delivery, or

(b) Had information that the delivery about to be made was to one not lawfully entitled to the possession of the goods.

§ 11. FAILURE TO DELIVER GOODS OR CANCEL RECEIPT.] Except as provided in Section 36, where a warehouseman delivers goods for which he had issued a negotiable receipt, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the receipt, he shall be liable to any one who purchases for value in good faith such receipt, for failure to deliver the goods to him, whether such purchaser acquired title to the receipt before or after the delivery of the goods by the warehouseman.

§ 12. SAME.] Except as provided in Section 36, where a warehouseman delivers part of the goods for which he had issued a negotiable receipt and fails either to take up and cancel such receipt, or to place plainly upon it a statement of what goods or packages have been delivered he shall be liable, to any one who purchases for value in good faith such receipt, for failure to deliver all the goods specified in the receipt whether such purchaser acquired title to the receipt before or after the delivery of any portion of the goods by the warehouseman.

§ 13. ALTERATIONS.] The alteration of a receipt shall not

excuse the warehouseman who issued it from any liability if such alteration was:

- (a) Immaterial,
- (b) Authorized, or
- (c) Made without fraudulent intent.

If the alteration was authorized, the warehouseman shall be liable according to the terms of the receipt as altered. If the alteration was unauthorized, but made without fraudulent intent the warehouseman shall be liable according to the terms of the receipt, as they were before alteration.

Material and fraudulent alteration of a receipt shall not excuse the warehouseman who issued it from liability to deliver according to the terms of the receipt as originally issued, the goods for which it was issued, but shall excuse him from any other liability to the person who made the alteration and to any person who took with notice of the alteration. Any purchaser of the receipt for value without notice of the alteration shall acquire the same rights against the warehouseman which such purchaser would have acquired if the receipt had not been altered at the time of the purchase.

§ 14. LOST, DESTROYED, RECEIPTS.] Where a negotiable receipt has been lost or destroyed, a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction and upon the giving of a bond with sufficient sureties to be approved by the court to protect the warehouseman from any liability or expense, which he or any person injured by such delivery may incur by reason of the original receipt remaining outstanding. The court may also in its discretion order the payment of the warehouseman's reasonable cost and counsel fees.

The delivery of the goods under an order of the court as provided in this section, shall not relieve the warehouseman from liability to a person to whom the negotiable receipt has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

§ 15. DUPLICATE, LIABILITY.] A receipt upon the face of which the word "duplicate" is plainly placed is a representation and warranty by the warehouseman that such receipt is an accurate copy of an original receipt properly issued and uncanceled at the date of the issue of the duplicate, but shall impose upon him no other liability.

§ 16. REFUSAL TO DELIVER THE GOODS.] No title or right to the possession of the goods, on the part of the warehouseman, unless such title or right is derived directly or indirectly from a transfer made by the depositor at the time of or subsequent to the deposit for storage, or from the warehouseman's lien, shall excuse the warehouseman from liability for refusing to deliver the goods according to the terms of the receipt.

§ 17 INTERPLEADS.] If more than one person claims the title

or possession of the goods, the warehouseman may, either as a defense to an action brought against him for non-delivery of the goods, or as an original suit, whichever is appropriate, require all known claimants to interplead.

§ 18. DIVERSE CLAIMANTS.] If some one other than the depositor or person claiming under him has a claim to the title or possession of the goods, and the warehouseman has information of such claim, the warehouseman shall be excused from liability for refusing to deliver the goods, either to the depositor or person claiming under him or to the adverse claimant, until the warehouseman has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

§ 19. FAILURE TO DELIVER. DEFENSES.] Except as provided in the two preceding sections and in Section 9 and 36, no right or title of a third person shall be a defense to an action brought by the depositor or person claiming under him against the warehouseman, for failure to deliver the goods according to the terms of the receipt.

§ 20. LIABILITY. DEFECTIVE RECEIPT.] A warehouseman shall be liable to the holder of a receipt for damages caused by the non-existence of the goods or by the failure of the goods to correspond with the description thereof in the receipt at the time of its issue. If, however, the goods are described in a receipt merely by a statement of marks or labels upon them, or by a statement that the goods are said to be goods of a certain kind, or that the packages containing the goods are said to contain goods of a certain kind, or by words of like purport, such statements, if true, shall not make liable the warehouseman issuing the receipt, although the goods are not of the kind which the marks or labels upon them indicate, or of the kind they were said to be by the depositor.

§ 21. LIABILITY, LOSS, INJURY.] A warehouseman shall be liable for any loss or injury to the goods caused by his failure to exercise such care in regard to them as a reasonably careful owner of similar goods would exercise, but he shall not be liable in the absence of an agreement to the contrary, for any loss or injury to the goods which could not have been avoided by the exercise of such care.

§ 22. SEPARATION OF GOODS.] Except as provided in the following section, a warehouseman shall keep the goods so far separate from goods of other depositors, and from other goods of the same depositor for which a separate receipt has been issued, as to permit at all times the identification and re-delivery of the goods deposited.

§ 23. FUNGIBLE GOODS. MINGLING.] If authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade. In such case the various depositors of the mingled goods shall own the entire mass

in common and each depositor shall be entitled to such portion thereof as the amount deposited by him bears to the whole.

§ 24. FUNGIBLE GOODS. LIABILITY.] The warehouseman shall be severally liable to each depositor for the care and redelivery of his share of such mass to the same extent and under the same circumstances as if the goods had been kept separate.

§ 25. ATTACHMENT.] If the goods are delivered to a warehouseman by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter, while in the possession of the warehouseman, be attached by garnishment or otherwise, or be levied upon under an execution, unless the receipt be first surrendered to the warehouseman, or its negotiation enjoined. The warehouseman shall in no case be compelled to deliver up the actual possession of the goods until the receipt is surrendered to him or impounded by the court.

§ 26. LEGAL RIGHTS OF CREDITORS.] A creditor whose debtor is the owner of a negotiable receipt shall be entitled to such aid from courts of appropriate jurisdiction, by injunction and otherwise in attaching such receipt or in satisfying the claim by means thereof as is allowed at law or in equity, in regard to property which cannot readily be attached or levied upon by ordinary legal process.

§ 27. WAREHOUSEMAN'S LIEN.] Subject to the provisions of Section 30, a warehouseman shall have a lien on goods deposited or on the proceeds thereof in his hands, for all lawful charges for storage and preservation of the goods; also for all lawful claims for money advanced, interest, insurance, transportation, labor, weighing, cooperating and other charges and expenses in relation to such goods; also for all reasonable charges and expenses for notice, and advertisements of sale, and for sale of the goods where default has been made in satisfying the warehouseman's lien.

§ 28. WAREHOUSEMAN'S LIEN. ENFORCEMENT.] Subject to the provisions of Section 30, a warehouseman's lien may be enforced:

(a) Against all goods, whenever deposited, belonging to the person who is liable as debtor for the claims in regard to which the lien is asserted, and

(b) Against all goods belonging to others which have been deposited at any time by the person who is liable as debtor for the claims in regard to which the lien is asserted if such person has been so entrusted with the possession of the goods that a pledge of the same by him at the time of the deposit to one who took the goods in good faith for value would have been valid.

§ 29. WAREHOUSEMAN'S LIEN. HOW LOST.] A warehouseman loses his lien upon goods:

(a) By surrendering possession thereof, or

(b) By refusing to deliver the goods when a demand is made

with which he is bound to comply under the provisions of this Act.

§ 30. WAREHOUSEMAN'S LIEN. WHEN RECEIPT ISSUED.] If a negotiable receipt is issued for goods, the warehouseman shall have no lien thereon, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

In such case there shall be a lien for the charges enumerated so far as they are within the terms of Section 27, although the amount of the charges so enumerated is not stated in the receipt.

§ 31. LIEN. DELIVERY WITHOUT SATISFACTION.] A warehouseman having a lien valid against the person demanding the goods may refuse to deliver the goods to him until the lien is satisfied.

§ 32. LEGAL REMEDIES PRESERVED.] Whether a warehouseman has or has not a lien upon the goods, he is entitled to all remedies allowed by law to a creditor against his debtor, for the collection from the depositor of all charges and advances which the depositor has expressly or impliedly contracted with the warehouseman to pay.

§ 33. LIEN. HOW SATISFIED. NOTICE.] A warehouseman's lien for a claim which has become due may be satisfied as follows:

The warehouseman shall give a written notice to the person on whose account the goods are held, and to any other person known by the warehouseman to claim an interest in the goods. Such notice shall be given by delivery in person or by registered letter addressed to the last known place of business or abode of the person to be notified. The notice shall contain:

(a) An itemized statement of the warehouseman's claim, showing the sum due at the time of the notice and the date or dates when it became due.

(b) A brief description of the goods against which the lien exists.

(c) A demand that the amount of the claim as stated in the notice, and of such further claims as shall accrue, shall be paid on or before a day mentioned, not less than ten days from the delivery of the notice if it is personally delivered, or from the time when the notice should reach its destination, according to the due course of post, if the notice is sent by mail, and

(d) A statement that unless the claim is paid within the time specified the goods will be advertised for sale and sold by auction at a specified time and place.

In accordance with the terms of a notice so given, a sale of the goods by auction may be had to satisfy any valid claim of the warehouseman for which he has a lien on the goods. The sale shall be had in the place where the lien was acquired, or, if such place is manifestly unsuitable for the purpose, at the nearest suitable place. After the time for the payment of the claim specified in the notice

to the depositor has elapsed, an advertisement of the sale, describing the goods to be sold, and stating the name of the owner or person on whose account the goods are held, and the time and place of the sale, shall be published once a week for two consecutive weeks in a newspaper published in the place where such sale is to be held. The sale shall not be held less than fifteen days from the time of the first publication. If there is no newspaper published in such place, the advertisement shall be posted at least ten days before such sale in not less than six conspicuous places therein.

From the proceeds of such sale the warehouseman shall satisfy his lien, including the reasonable charges of notice, advertisement and sale. The balance, if any, of such proceeds shall be held by the warehouseman, and delivered on demand to the person to whom he would have been bound to deliver or justified in delivering the goods.

At any time before the goods are so sold any person claiming a right of property or possession therein may pay the warehouseman the amount necessary to satisfy his lien and to pay the reasonable expenses and liabilities incurred in serving notices and advertising and preparing for the sale up to the time of such payment. The warehouseman shall deliver the goods to the person making such payment if he is a person entitled, under the provisions of this Act, to the possession of the goods on payment of charges thereon. Otherwise the warehouseman shall retain possession of the goods according to the terms of the original contract of deposit.

§ 34. PERISHABLE GOODS. DISPOSITION.] If goods are of a perishable nature, or by keeping will deteriorate greatly in value, or by their odor, leakage, inflammability or explosive nature, will be liable to injure other property, the warehouseman may give such notice to the owner, or to the person in whose name the goods are stored, as is reasonable and possible under the circumstances, to satisfy the lien upon such goods, and to remove them from the warehouse, and in the event of the failure of such person to satisfy the lien and to remove the goods within the time so specified, the warehouseman may sell the goods at public or private sale without advertising. If the warehouseman after a reasonable effort is unable to sell such goods, he may dispose of them in any lawful manner, and shall incur no liability by reason thereof.

The proceeds of any sale made under the terms of this section shall be disposed of in the same way as the proceeds of sales made under the terms of the preceding section.

§ 35. REMEDY. CUMULATIVE.] The remedy for enforcing a lien herein provided does not preclude any other remedies allowed by law for the enforcement of a lien against personal property nor bar the right to recover so much of the warehouseman's claim as shall not be paid by the proceeds of the sale of the property.

§ 36. SALE. DISPOSAL. LIABILITY OF WAREHOUSEMAN.] After goods have been lawfully sold to satisfy a warehouseman's

lien, or have been lawfully sold or disposed of because of their perishable or hazardous nature, the warehouseman shall not thereafter be liable for failure to deliver the goods to the depositor, or owner of the goods, or to a holder of the receipt given for the goods when they were deposited, even if such receipt be negotiable.

§ 37. RECEIPT, NEGOTIABLE BY DELIVERY.] A negotiable receipt may be negotiated by delivery:

(a) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the bearer, or

(b) Where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the receipt has indorsed it in blank or to bearer.

Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been indorsed in blank or to bearer, any holder may indorse the same to himself or to any other specified person, and in such case the receipt shall thereafter be negotiated only by the indorsement of such indorsee.

§ 38. RECEIPT. NEGOTIATION BY INDORSEMENT.] A negotiable receipt may be negotiated by the indorsement of the person to whose order the goods are, by the terms of the receipt, deliverable. Such indorsement may be in blank, to bearer or to a specified person. If indorsed to a specified person, it may be again negotiated by the indorsement of such person in blank, to bearer or to another specified person. Subsequent negotiation may be made in like manner.

§ 39. NON-NEGOTIABLE RECEIPT. TRANSFER.] A receipt which is not in such form that it can be negotiated by delivery may be transferred by the holder by delivery to a purchaser or donee. A non-negotiable receipt cannot be negotiated, and the indorsement of such receipt gives the transferee no additional right.

§ 40. NEGOTIABLE RECEIPT, HOW NEGOTIABLE.] A negotiable receipt may be negotiated:

(a) By the owner thereof, or

(b) By any person to whom the possession or custody of the receipt has been entrusted by the owner, if, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of the person to whom the possession or custody of the receipt has been entrusted, or if at the time of such entrusting the receipt is in such form that it may be negotiated by delivery.

§ 41. RIGHTS OF TRANSFEREE NEGOTIABLE.] A person to whom a negotiable receipt has been duly negotiated acquires thereby:

(a) Such title to the goods as the person negotiating the receipt to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the depositor or person

to whose order the goods were to be delivered by the terms of the receipt had or had ability to convey to a purchaser in good faith for value, and

(b) The direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman had contracted directly with him.

§ 42. RIGHTS OF TRANSFEREE, NON-NEGOTIABLE RECEIPT.] A person to whom a receipt has been transferred but not negotiated, acquires thereby, as against the transferor, the title of the goods, subject to the terms of any agreement with the transferor.

If the receipt is non-negotiable such person also acquires the right to notify the warehouseman of the transfer to him of such receipt, and thereby to acquire the direct obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt.

Prior to the notification of the warehouseman by the transferor or transferee of a non-negotiable receipt, the title of the transferee to the goods and the right to acquire the obligation of the warehouseman may be defeated by the levy of an attachment or execution upon the goods by a creditor of the transferor, or by a notification to the warehouseman by the transferor, or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

§ 43. INDORSEMENT.] Where a negotiable receipt is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquired a right against the transferor to compel him to indorse the receipt, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made.

§ 44. WARRANTY BY DELIVERY OR INDORSEMENT.] A person who for value negotiates or transfers a receipt by indorsement or delivery, including one who assigns for value a claim secured by a receipt, unless a contrary intention appears, warrants:

- (a) That the receipt is genuine.
- (b) That he has a legal right to negotiate or transfer it.
- (c) That he had knowledge of no fact which would impair the validity or worth of the receipt, and
- (d) That he has a right to transfer the title to the goods and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties had been to transfer without a receipt the goods represented thereby.

§ 45. INDORSEMENT. EXTENT OF LIABILITY. FORMER HOLDER.] The indorsement of a receipt shall not make the indorser liable for any failure on the part of the warehouseman or previous indorsers of the receipt to fulfill their respective obligations.

§ 46. LIABILITY. SECURITY HOLDER.] A mortgagee, pledgee or holder for security of a receipt who in good faith demands or

receives payment of the debt for which such receipt is security whether from a party to a draft drawn for such debt or from any other person, shall not by so doing be deemed to represent or to warrant the genuineness of such receipt or the quantity or quality of the goods therein described.

§ 47. INNOCENT HOLDER.] The validity of the negotiation of a receipt is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake, or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

§ 48. POSSESSION OF GOODS OR RECEIPT. NOTICE.] Where a person having sold, mortgaged, or pledged goods which are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged the negotiable receipt representing such goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, mortgage or pledge, shall have the same effect as if the first purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

§ 49. STOPPAGE IN TRANSITU. SURRENDER OF RECEIPT.] Where a negotiable receipt has been issued for goods, no seller's lien or right or stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such receipt has been negotiated, whether such negotiation be prior or subsequent to the notification of the warehouseman who issued such receipt of the seller's claim to a lien or right of stoppage in transitu. Nor shall the warehouseman be obliged to deliver or justified in delivering the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

§ 50. ISSUING RECEIPT AND NO GOODS. PENALTY.] A warehouseman or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a receipt knowing that the goods for which such receipt is issued have not been actually received by such warehouseman, or are not under his actual control at the time of issuing such receipt, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding five thousand dollars, or by both.

§ 51. FRAUDULENT RECEIPT. FALSE STATEMENT.] A warehouseman, who fraudulently issues or aids in fraudulently issuing, a receipt for goods knowing that it contains any false statement, shall be guilty of a crime, and upon conviction shall be punished

for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 52. **DUPLICATE RECEIPT. WHEN ISSUABLE.]** A warehouseman, or any officer, agent, or servant of a warehouseman, who issues or aids in issuing a duplicate or additional negotiable receipt for the same goods or any part of them is outstanding and uncanceled, without plainly placing upon the face thereof the word "Duplicate," except in the case of a lost or destroyed receipt after proceedings as provided for in Section 14, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding five years or by a fine not exceeding five thousand dollars, or by both.

§ 53. **RECEIPT WHERE WAREHOUSEMAN IS OWNER.]** Where there are deposited with or held by a warehouseman goods of which he is owner, either solely or jointly or in common with others, such warehouseman, or any of his officers, agents, or servants who, knowing this ownership, issues or aids in issuing a negotiable receipt for such goods which does not state such ownership, shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars; or by both.

§ 54. **DELIVERY WITHOUT RECEIPT.]** A warehouseman or any officer, agent, or servant of a warehouseman who delivers goods out of the possession of such warehouseman, knowing that a negotiable receipt the negotiation of which would transfer the right to the possession of such goods is outstanding and uncanceled, without obtaining the possession of such receipt at or before the time of such delivery, shall, except in the cases provided for in Sections 14 and 36, be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year or by a fine not exceeding one thousand dollars, or by both.

§ 55. **DELIVERY RECEIPT WITHOUT TITLE.]** Any person who deposits goods to which he has not title, or upon which there is a lien or mortgage, and who takes for such goods a negotiable receipt which he afterwards negotiates for value with intent to deceive and without disclosing his want of title or the existence of the lien or mortgage shall be guilty of a crime, and upon conviction shall be punished for each offense by imprisonment not exceeding one year, or by a fine not exceeding one thousand dollars, or by both.

§ 56. **LAW APPLICABLE.]** In any case not provided for in this Act, the rule of law and equity, including the law of merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall govern.

§ 57. **CONSTRUCTION OF ACT. UNIFORMITY.]** This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 58. DEFINITIONS. CONSTRUCTION. BOND.]

1. In this Act, unless the context or subject-matter otherwise requires:

"Action" includes counter claim, set-off, and suit in equity.

"Delivery" means voluntary transfer of possession from one person to another.

"Fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit.

"Goods" means chattels or merchandise in storage, or which has been or is about to be stored.

"Holder" of a receipt means a person who has both actual possession of such receipt and a right of property therein.

"Order" means an order by indorsement on the receipt.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee or as a pledgee.

"Purchaser" includes mortgagee and pledgee.

"Receipt" means a warehouse receipt.

"Value" is any consideration sufficient to support a simple contract. An antecedent or pre-existing obligation, whether for money or not, constitutes value where a receipt is taken in satisfaction or as security thereof.

"Warehouseman" means a person lawfully engaged in the business of storing goods for profit.

2. A thing is done "in good faith" within the meaning of this Act, when it is in fact done honestly, whether it be done negligently or not.

§ 59. ACT NOT RETROACTIVE.] The provisions of this Act do not apply to receipts made and delivered prior to the taking effect of this Act.

§ 60. REPEAL.] All acts or parts of Acts inconsistent with this Act are hereby repealed.

§ 61. ACT WHEN IN EFFECT.] This Act shall take effect on the.....day of.....one thousand nine hundred and.....

§ 62. ACT, HOW CITED.] This Act may be cited as the Uniform Warehouse Receipts Act.

Approved March 7, 1917.

WAREHOUSES

CHAPTER 251.

[S. B. No. 215—King.]

PUBLIC WAREHOUSES.

An Act to Amend and Re-enact Sections 3118, 3119, 3120, 3121, and 3122 of the Compiled Laws of North Dakota for 1913, relating to Public Warehouses; Penalty.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 3118 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 3118. WAREHOUSE ON RAILROAD RIGHT OF WAY. APPLICATION.] Any person, firm or corporation desirous of erecting and operating at or contiguous to any railroad station or siding a warehouse or elevator for the purchase, sale, shipment or storage of grain for the public for hire may make application in writing containing a description of that portion of the right of way of said railroad on which said person, firm or corporation, desires to erect a warehouse, or elevator, and the size and capacity of the warehouse or elevator proposed to be erected and the time for which it is desired to maintain said warehouse or elevator, to the person, firm or corporation owning, leasing or operating the railway at such station or siding for the right, privilege and easement of erecting and maintaining for the time stated in said application, and for reasonable compensation such warehouse or elevator as aforesaid, upon the right of way appertaining to such railway at such siding or station, and within and between the outside switches of the yard of such railway station or siding and upon paying or tendering money which said person, firm or corporation deems to be reasonable compensation for the right, privilege and easement aforesaid, they shall immediately upon tendering said sum of money be entitled absolutely and unconditionally to erect their warehouse or elevator on such railroad right of way, and the said person, firm or corporation owning, leasing or operating said railway at such station or siding shall immediately render them the same service they would be entitled to had the said person, firm or corporation owning, leasing or operating said railway at such station or siding, sold or leased said site to the person, firm or corporation desirous of erecting and operating said warehouse or elevator; and said person, firm or corporation desirous of erecting such elevator or warehouse shall be entitled to the right, privilege and easement and shall be entitled to erect such elevator or warehouse and

for the time therein specified and shall immediately become invested with said right, privilege and easement aforesaid.

§ 2. AMENDMENT.] That Section 3119 of the Compiled Laws of the State of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3119. COMPENSATION. NOTICE TO APPLICANT.] The application provided in section 3118 shall also state the amount the applicant deems a reasonable compensation for the right, privilege and easement he desires to acquire, and after the same is tendered and in case the sum tendered is not accepted and the parties cannot agree upon the amount to pay for such right, privilege and easement, the same shall be ascertained, assessed and determined by proceedings in the district court of the county in which the station or siding at which the right, privilege and easement sought is situated, which court is hereby given full jurisdiction in the premises and shall at all times be deemed open and in session for the purpose of this article. It shall be the duty of any person, firm or corporation to whom application is made for the right to erect and maintain an elevator or warehouse under the provisions of this article to within ten days after the receipt of said application notify said applicant in writing of the acceptance or rejection of the amount stated in said application to be reasonable compensation for the right, privilege and easement sought to be acquired, and in case said person, firm or corporation fails to notify the applicant within said ten days, said person, firm or corporation shall be deemed to have accepted said amount, but regardless of whether it is accepted or not, the applicant for said site shall be deemed to have acquired the right, privilege and easement asked for.

§ 3. AMENDMENT.] That Section 3120 of the Compiled Laws of the State of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3120. PROCEDURE IN DISTRICT COURT.] Proceedings in district court shall be instituted and carried on as follows: The person, firm or corporation to whom application is made for the right to maintain and operate an elevator or warehouse aforesaid, shall present to and file with the district court a petition in writing and under oath, specifying and describing the right, privilege and easement sought and attained and the time for which the same was sought and attained, and the facts that the parties to the proceedings are unable to agree upon the amount of the compensation therefor. A copy of the application for such privilege shall be attached to said petition and thereupon it shall at once be the duty of the court, by its order in writing, to fix upon a place and a time not more than twenty days thereafter where and when the court will try, ascertain, assess and determine the amount of such compensation; a certified copy of which order at least twenty days before the time so fixed shall be served upon the party who sought and attained the right, privilege and easement, as summons are

served in civil actions of said court, and such service when made shall be ample notice to and summons for the party so served to appear and join in the proceedings and shall be ample to give the court full jurisdiction over the party against whom the proceedings are instituted and the property involved in the proceedings.

§ 4. AMENDMENT.] That Section 3121 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3121. TRIAL. ELECTION OF GROSS SUM OR ANNUAL RENTAL.] At the time and place so fixed for ascertaining, assessing and determining the compensation aforesaid, the court shall immediately proceed to try said matter, without a jury, if the parties consent, and if they do not consent and if the time and place fixed for said hearing is at a general or special term of said court where a petit jury has been summoned, the court shall proceed to a hearing of such matter with a jury selected and sworn from the panel present at such term, in the same manner as jurors are selected in civil actions, and if the regular panel is exhausted before a jury is secured, talesmen may be summoned. In case said proceedings are made returnable at any other time than at a term where a petit jury shall have been summoned, the court shall make an order requiring the selection of twenty-four jurors from those returned by the county commissioners, which jury shall be drawn and selected in the same manner as provided by law for the drawing of jurors for general terms of the district court, and from the jurors so returned a jury shall be selected the same as in civil actions and the trial shall proceed after the manner of trials in civil actions, and the court or jury, as the case may be, shall find and assess compensation both in the form of an annual rental and in the form of a gross sum for the right, privilege and easement sought, and immediately after the finding or verdict has been made the party against whom the proceedings have been taken shall elect whether to receive the annual rental or the gross sum found, and in case such election is not made by this party, then the other party to the proceedings may make such election, and after election is made as aforesaid, judgment shall be rendered adjudging, among other things that upon payment of the gross sum found or the annual rental found, yearly in advance, as the case may be, the party in whose favor said judgment is rendered shall be entitled to a writ of execution in proper form to immediately invest such party with the right, privilege and easement aforesaid.

§ 5. AMENDMENT.] That Section 3122 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3122. FORFEITURE. APPEAL. COSTS.] In case the annual rental is elected the same shall be paid, yearly in advance, and if not so paid after thirty days default the right, privilege and easement aforesaid shall be absolutely forfeited. Within thirty days after the entry of said judgment as hereinbefore provided,

but not later, an appeal may be taken by either party to the supreme court, but such appeal shall not stay or hinder the use or enjoyment to the fullest extent of the right, privilege and easement asked for by the petition conferred by the judgment, if the party instituting the proceedings shall make and file a bond with sureties, to be approved by the court, in an amount double the gross sum or annual rental, conditioned to pay such sum or rental and to abide and satisfy any judgment the supreme court may render in the premises. Costs and disbursements as in civil actions shall, in each court, be paid by the unsuccessful party. If the finding of the court or jury is for a less or the same amount as tendered by the applicant before the person, firm or corporation owning, leasing or operating the railway at such station or siding instituted the proceedings, then the applicant shall be deemed the successful party, but if the amount found is larger than the sum tendered, then the person, firm or corporation owning, leasing or controlling said railway at such station or siding shall be deemed to be the successful party. In the Supreme Court, if the judgment or order appealed from is reversed or modified, the appellant shall be deemed the successful party; but if the judgment or order appealed from is affirmed, the respondent shall be deemed the successful party.

§ 3118 B. PENALTY.] If the person, firm or corporation owning, leasing or operating the railway at such station or siding either directly or indirectly, by any agent, servant or attorney interferes with the construction or operation of said warehouse or elevator upon said selected site, or refuses to render the service necessary for the proper maintenance and operation of said elevator or warehouse as asked for in the application and petition aforesaid, they shall be deemed guilty of a misdemeanor.

Approved March 9, 1917.

WEEDS

CHAPTER 252.

[S. B. No. 239—Welford.]

COMMISSIONERS OF NOXIOUS WEEDS.

An Act to Amend and Re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the year 1913, Relating to the Commissioner of Noxious Weeds.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. That Section 624 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 624. WEED COMMISSIONERS; HOW APPOINTED.] Whenever the board of county commissioners of any county is petitioned by

at least one sixth of the voters in such county, said board shall appoint some competent person in each commissioner's district of said county, who shall be styled commissioner of noxious weeds, who shall take the oath required of county officers and shall hold his office for the term of one year, and until his successor is appointed and qualified. Each such commissioner shall receive for compensation the sum of four dollars per day for each day necessarily spent in the performance of his duties, and mileage at the rate of five cents per mile for each mile necessarily traveled. The board of county commissioners may at any time for good cause remove any weed commissioner from office and appoint a successor to serve the remaining portion of his time, and it shall be the duty of said board of county commissioners to strictly enforce all of the provisions of Article 28 of Chapter 5 of the Political Code of the Compiled Laws of 1913.

And all the powers and duties of the township supervisors, city council or board of trustees of any town or village, in said Article 28 are hereby transferred and made part of the duties and powers of the county commissioners of each county.

§ 2. That Section 627 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 627. It shall be the duty of the board of county commissioners to pay out of the general fund the salary and mileage of the commissioners of noxious weeds, and all expenses and disbursements incurred under the provisions of Article 28 of Chapter 5 of the Political Code of said Compiled Laws, upon verified vouchers duly audited and approved.

And the board of county commissioners in each county may appropriate and set aside a sum not exceeding twenty-five hundred dollars in each year, or so much thereof as is necessary to pay the salaries and expenses of the commissioners of noxious weeds; and the board is authorized to levy a sufficient tax on all taxable property for such purpose.

Approved March 8, 1917.

WOLVES

CHAPTER 253.

[S. B. No. 198—Rowe.]

DESTRUCTION OF WOLVES.

An Act to Enable the North Dakota Agricultural Experiment Station to Devise, Demonstrate and Put in Operation Methods for the Destruction of Wolves, Coyotes, and other Noxious Predatory Animals; to make Appropriation Therefor; and Repealing Sections 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655 and 2656 of the Compiled Laws of North Dakota for 1913, together with all Acts or Parts of Acts in Conflict Herewith.

PARTIAL VETO.

Bismarck, North Dakota, March 17, 1917.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 198, an Act to enable the North Dakota Agricultural Experiment Station to devise, demonstrate and put in operation methods for the destruction of wolves, coyotes, and other noxious predatory animals; to make appropriation therefor; and repealing Sections 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655 and 2656 of the Compiled Laws of North Dakota for 1913, together with all Acts or parts of Acts in conflict herewith, with my approval except the provision of \$10,000 provided for in Section 3.

This item is vetoed for the reason that the appropriations of the Legislature greatly exceed the available income.

Very respectfully yours,

LYNN J. FRAZIER,
Governor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AGRICULTURAL EXPERIMENT STATION TO DEVISE AND DEMONSTRATE METHODS FOR CONTROL OF NOXIOUS PREDATORY ANIMALS.] The North Dakota Agricultural Experiment Station through the director thereof shall devise and demonstrate where needed, methods for the destruction of wolves, coyotes and other noxious predatory animals preying on live stock. In carrying out the provisions of this Act the agents employed may in pursuance of their assigned duties, trap, shoot, poison or use such other methods as may be advisable. When poison is to be distributed or used in a campaign of extermination, notice of the same shall be given through a local newspaper published in the county where said work is to be carried on ten days prior to the commencement of said work

in such county. No liability shall be incurred by the State of North Dakota or its agents in carrying out the provisions of this Act.

§ 2. THE DIRECTOR SHALL PUT INTO OPERATION SYSTEMS DEvised FOR EXTERMINATION.] The director of the North Dakota Agricultural Experiment Station, upon development of effective methods of destruction, shall put in operation these methods with a view to the extermination of said predatory animals and is hereby authorized to employ such person or persons and to obtain such equipment as may be required to aid in this extermination. He may carry on such forms of work or demonstration at such times and in such places as will tend to protect livestock from said predatory animals or that will control their depredation. Instructions as to systematic campaigns for the destruction of predatory animals shall be issued to such communities or districts in the state as may require them.

§ 3. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of ten thousand dollars for the biennium or as much thereof of said sum, as is necessary to be used to equal the amount appropriated by the Federal Government for said purposes, for the purposes of carrying out the provisions of this Act.

§ 4. REPEAL.] Section 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656 of the Compiled Laws of North Dakota for 1913 are hereby specially repealed, as are all acts and parts of acts in conflict with the provisions of this Act.

WOMEN

CHAPTER 254.

[S. B. No. 12—Lindstrom.]

WOMEN VOTES FOR CERTAIN OFFICERS.

An Act Granting the Right to Vote for Presidential Electors and Certain Other Officers, and to Participate and Vote on Certain Matters and in Certain Elections.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. All women, citizens of the United States of the age of twenty-one years or upwards, who shall have resided in the State one year and in the County six months, and in the precinct ninety days next preceding any election, shall be allowed to vote at such election for Presidential Electors, County Surveyors, County Constables, and for all officers of cities, villages and towns (except Police Magistrates and City Justices of the Peace) and upon all questions or propositions submitted to a vote of the electors of such municipalities or other political divisions of this state.

§ 2. All such women may also vote for the following township officers: Township Clerk, Assessor, Treasurer, Overseer of Highways and Constables, and may also participate and vote in all annual and special Township meetings in the Township in which such election shall be.

§ 3. Separate ballot boxes and ballots shall be provided for women, which ballots shall, to the extent to which such women may vote, as aforesaid, be the same as those provided for male voters, both as to candidates and special questions submitted. At any such election where registration is required women shall register in the same manner as male voters.

Approved January 23, 1917.

AMENDMENTS TO THE CONSTITUTION 1916

STATEMENT OF THE FINDINGS OF THE STATE BOARD OF CAN- VASSERS AS TO THE VOTE ON CONSTITUTIONAL AMENDMENTS AND REFERENDA ON LEGISLATION, AND ALSO ON CANDIDATES AT THE GENERAL ELECTION HELD NOVEMBER 7th, 1916.

We, the undersigned, Thomas Hall, Secretary of State; Carl Jorgenson, State Auditor; John Steen, State Treasurer; Henry J. Linde, Attorney General, and E. J. Taylor, Superintendent of Public Instruction, constituting the State Board of Canvassers for the General Election, held on the 7th day of November, 1916, hereby certify that the foregoing abstract of votes cast for and against the Constitutional Amendments and Referenda on Legislation, and for the several candidates for the offices of Presidential Electors, United States Senator, Representatives in Congress, State and District Officers and Members of the Legislature, has been canvassed by us; and further, that the said abstract contains the names of all candidates for Presidential Electors, United States Senator, Representatives in Congress, State and District Officers and Members of the Legislature, voted for at the said General Election, and with the number of votes received by each and for what office, together with the titles of each and every proposed Constitutional Amendment and Referendum of Legislation, and the vote cast for and against each; and further, that the following named persons were duly elected to the respective offices for which they were candidates, and also that the following Constitutional Amendments and Referenda on Legislation were adopted or rejected, as indicated by the statement following each of such Constitutional Amendments and Referenda on Legislation, as hereinafter set forth.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE OF NORTH DAKOTA PROVIDING FOR A STATE NORMAL SCHOOL AT DICKINSON.

To Amend Section 216 of the Constitution of the State of North Dakota to Provide for the Establishment and Location of a State Normal School at the City of Dickinson, in the County of Stark.

Shall Section 216 of the Constitution of the State of North Dakota be amended to read as follows:

Section 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand (170,000) acres of land made by the United States for "other

educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand (40,000) acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly with a grant of thirty thousand (30,000) acres.

Third: An industrial school and school for manual training or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand (40,000) acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand (40,000) acres.

Sixth: A state normal school at the city of Minot, in the county of Ward.

Seventh: (a) A state normal school at the city of Dickinson, in the county of Stark.

Provided, That no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this Constitution.

Yes.....	60,582	A majority of the voters voting on said proposed amendment having voted for the adoption of
No	43,334	the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

PROPOSED AMENDMENT TO THE CONSTITUTION OF THE STATE
OF NORTH DAKOTA PROVIDING FOR A SECOND STATE
HOSPITAL FOR THE INSANE.

To Amend the Constitution of the State of North Dakota to provide for the Establishment and Location of a Second State Hospital for the Insane.

Shall Section 216 of the Constitution of the State of North Dakota be amended to read as follows:

Section 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand (170,000) acres of land made by the United States for "other

educational and charitable institutions" as is allotted by law, namely:

First: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the county of Ransom, with a grant of forty thousand (40,000) acres of land.

Second: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the county of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly with a grant of thirty thousand (30,000) acres.

Third: An industrial school and school for manual training or such other educational or charitable institution as the legislative assembly may provide, at the town of Ellendale, in the county of Dickey, with a grant of forty thousand (40,000) acres.

Fourth: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the counties of McHenry, Ward, Bottineau or Rolette; as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

Fifth: A scientific school or such other educational or charitable institution as the legislative assembly may prescribe, at the city of Wahpeton, county of Richland, with a grant of forty thousand (40,000) acres.

Sixth: A state normal school at the city of Minot, in the county of Ward.

Seventh: (b) A state hospital for the insane at such place within this state as shall be selected by the legislative assembly, provided, that no other institution of a character similar to any one of those located by this article shall be established or maintained without a revision of this Constitution.

Yes.....49,001 No44,356	A majority of the voters voting on said proposed amendment having voted for the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.
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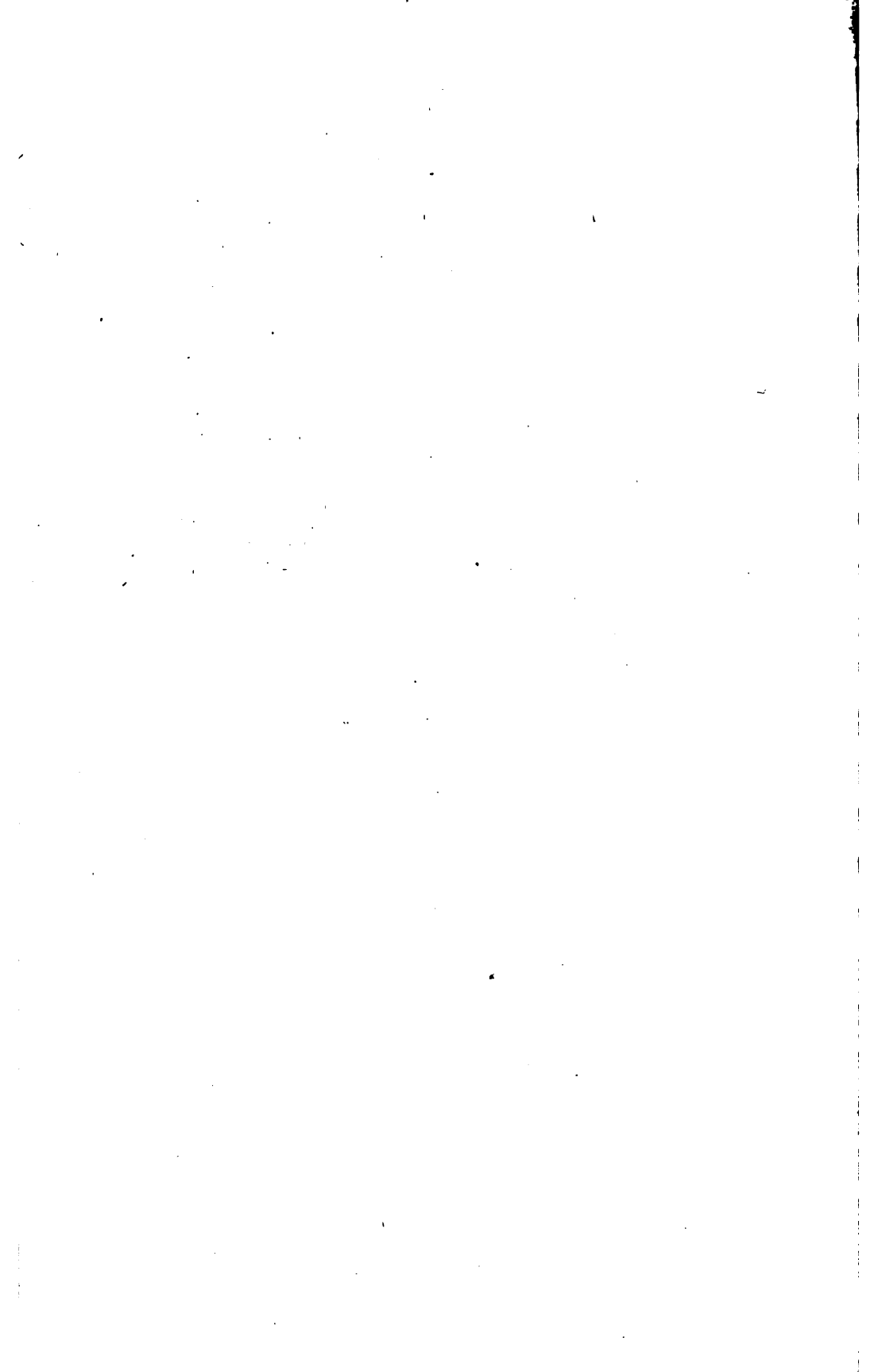
REFERENDUM OF LEGISLATION REFERRING REPEAL OF MILL TAX FOR TERMINAL ELEVATORS.

An Act known as Chapter 258 of the 1915 Session Laws, Amending and Re-enacting Chapter 279 of the Laws of 1913, relating to the Mill Tax for Terminal Elevators.

Shall Chapter 258 of the Session Laws of 1915 be approved, reading as follows:

Be it Enacted by the Legislative Assembly of the State of North Dakota:

Section 1. There shall be levied upon all the taxable property within this state, real and personal, for the years 1915 and 1916, and to be paid during each of said years, the sum of \$1,000.00, and











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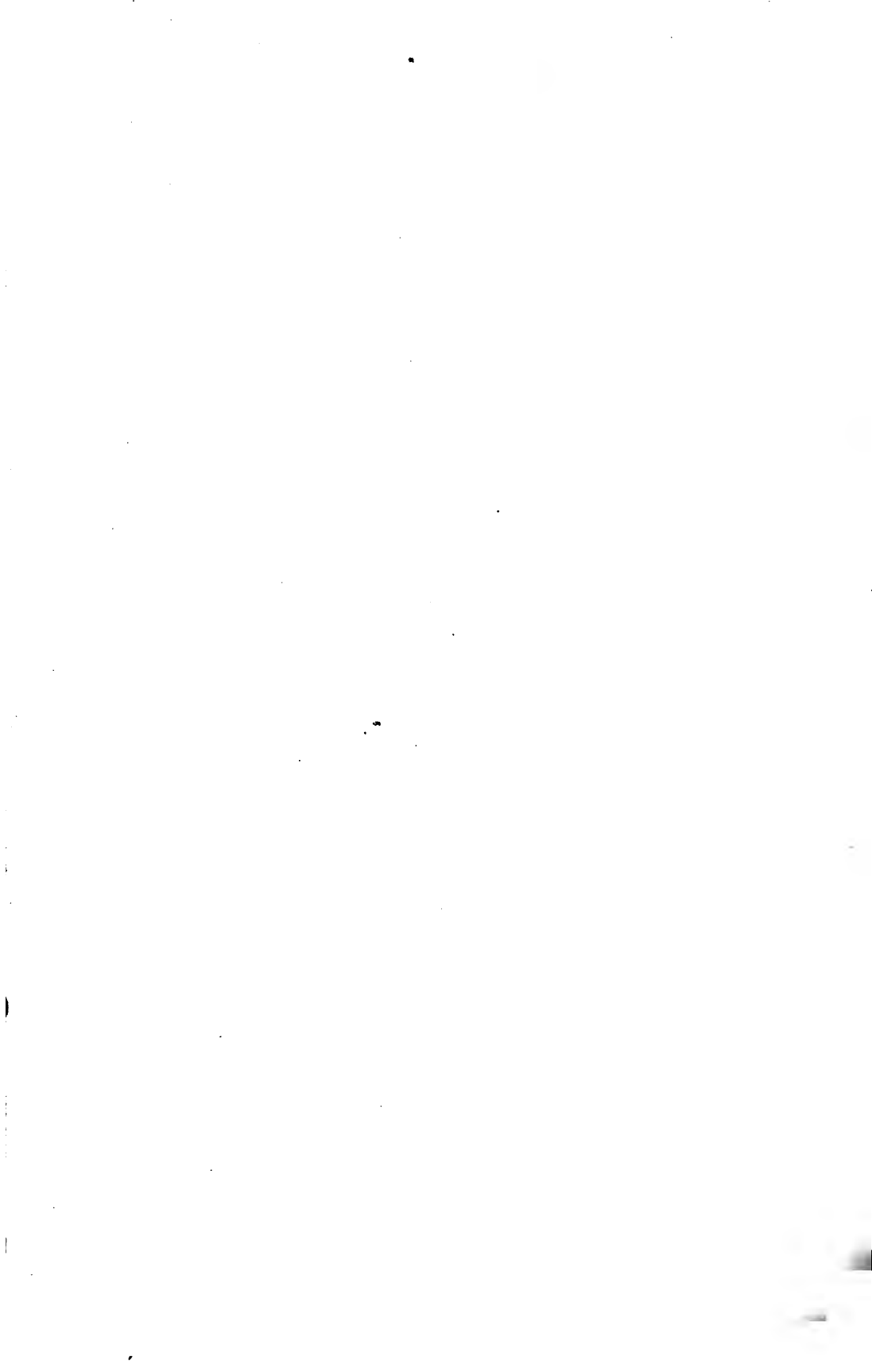
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